

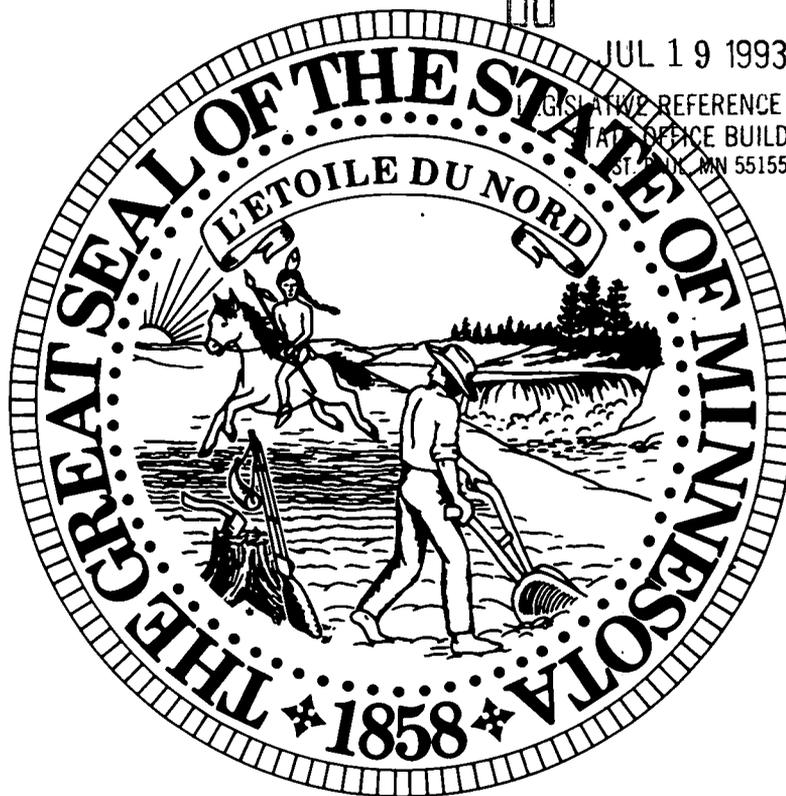
# The Minnesota State Register

Department of Administration—Print Communications Division

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Rules edition  
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**Monday 19 July 1993**  
**Volume 18, Number 3**  
**Pages 141-324**

# State Register

## Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional, technical and consulting contracts, non-state bids and public contracts, contract awards, grants, and a monthly calendar of cases to be heard by the state supreme court.

A *Contracts Supplement* is published Tuesday, Wednesday and Friday and contains bids and proposals, including printing bids.

### Printing Schedule and Submission Deadlines

Vol. 18 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
3	Friday 2 July	Monday 12 July	Monday 19 July
4	Monday 12 July	Monday 19 July	Monday 26 July
5	Monday 19 July	Monday 26 July	Monday 2 August
6	Monday 26 July	Monday 2 August	Monday 9 August

\*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

\*\*Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the *State Register* editorial offices, 117 University Ave., St. Paul, Minnesota 55155, (612) 297-7963, TDD (Minnesota Relay Service), Metro Area (612) 297-5353, Greater MN 1-800-627-3529.

The *State Register* is published every Monday (Tuesday when Monday is a holiday) by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. A *State Register Contracts Supplement* is published every Tuesday, Wednesday and Friday. The Monday edition is the vehicle for conveying all information about state agency rulemaking, including official notices; hearing notices; proposed, adopted and emergency rules. It also contains executive orders of the governor; commissioners' orders; state contracts and advertised bids; professional, technical and consulting contracts; non-state public contracts; state grants; decisions of the supreme court; a monthly calendar of scheduled cases before the supreme court; and other announcements. The *State Register Contracts Supplement* contains additional state contracts and advertised bids.

In accordance with expressed legislative intent that the *State Register* be self-supporting, the following subscription rates have been established: the Monday edition costs \$150.00 per year and includes an index issue published in August (single issues are available at the address listed above for \$3.50 per copy); the combined four editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, includes four editions and last for 13 weeks. No refunds will be made in the event of subscription cancellation.

Both editions are delivered postpaid to points in the United States, second class postage paid for the *State Register* at St. Paul, MN, first class for the *Contracts Supplement*. Publication Number 326630 (ISSN 0146-7751).

Subscribers who do not receive a copy of an issue should notify the *State Register* circulation manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

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612/297-7963

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Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

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(612) 296-0504

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Contact: House Information Office  
Room 175 State Office Building, St. Paul, MN 55155  
(612) 296-2146

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Commodity award results are available through the *Materials Management Helpline* 612/296-2600.

# Minnesota Rules: Amendments and Additions

## NOTICE: How to Follow State Agency Rulemaking in the *State Register*

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-657-3757.

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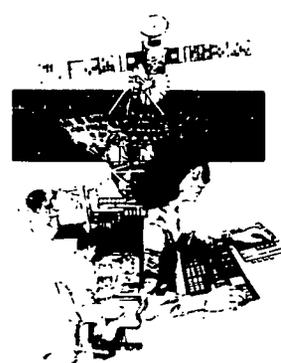
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**Minnesota Manufacturer's Directory 1993**



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# Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

## Pollution Control Agency

### Proposed Permanent Rules Relating to Water Quality

#### Notice of Hearing

**Introduction.** The Minnesota Pollution Control Agency (Agency) intends to adopt a rule after a public hearing following the procedures set forth in the Minnesota Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The Agency will hold a public hearing on the above-entitled rule at the Minnesota Pollution Control Agency, 520 Lafayette Road in St. Paul, in the Board Room on the lower level. The hearing will commence at 9:30 a.m. on August 25, 1993, and continue at this location, only if needed, on August 26 and 27 and September 9. Call (612) 296-8382 to find out if hearings will be held on these continuation dates. The hearing will be held in additional locations as follows:

Date	Place	Start Time
August 30, 1993	Southwest State University Individualized Learning Center 214 1501 State Street Marshall, Minnesota	7 p.m.
August 31, 1993	Detroit Lakes Public Library Main meeting room on first floor 1000 Washington Avenue Detroit Lakes, Minnesota	7 p.m.
September 1, 1993	County Services Building Lower level meeting room 326 Laurel Street Brainerd, Minnesota	7 p.m.
September 2, 1993	St. Louis County Government Service Center Rooms 608 and 609 320 West 2nd Street Duluth, Minnesota	7 p.m.
September 7, 1993	Fairmont Middle School Cafeteria 714 Victoria Street Fairmont, Minnesota	7 p.m.
September 8, 1993	Rochester Community College Rooms CF206/208m, Coffman Building 851 30th Avenue SE Rochester, Minnesota	7 p.m.

Additional days of hearing will be scheduled if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

**Administrative Law Judge.** The matter will be heard before:

Allan W. Klein  
Administrative Law Judge  
Office of Administrative Hearings  
Suite 1700  
100 Washington Square Building  
Minneapolis, Minnesota 55401-2138  
(612) 341-7609

The rule hearing procedure is governed by *Minnesota Statutes* sections 14.131 to 14.20 and the rules of the Office of Administrative Hearings, *Minnesota Rules* Parts 1400.0200 to 1400.1200. Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge at the address and telephone number stated above.

**Subject of Rule and Statutory Authority.** The subject of the hearing will be proposed amendments to *Minnesota Rules* chapter 7050, the state's water quality standards and use classification rules. These rules classify all surface waters of the state and establish both numeric water quality standards for those waters and detailed procedures for the development of additional standards. The standards specified in or developed under these rules provide the bases for the Agency surface water discharge permits which are issued to point source discharges such as industrial plants and municipal wastewater treatment facilities.

The major issues addressed by the proposed rules amendments are as follows:

1. Modifying water quality standards to address the unique characteristics of wetlands under parts 7050.0110; 7050.0130, items D and F; 7050.0185, subparts 1 and 9; 7050.0186; 7050.0210, subpart 13a; 7050.0222, subpart 6; 7050.0223, subpart 5; 7050.0224, subpart 4; 7050.0225; 7050.0410; 7050.0425; and 7050.0430.
2. Expanding biological-criteria narrative and standards under parts 7050.0150; 7050.0200, subparts 3 and 8; and 7050.0222, subparts 2 to 7 to develop a biological criteria value from reference conditions that can be used to evaluate biological integrity through assessment.
3. Adding an exemption to point source discharge requirements under part 7050.0212, subpart 2a, for return flows from dredge disposal facilities to allow return water from short-term dredge projects to be treated through best management practices, best practicable technology and special site-specific conditions established under a State Disposal System permit.
4. Adding new aquatic life water quality standards for Alachlor, Antimony, Atrazine, Cobalt, Iron, Manganese, Naphthalene, and Thallium under part 7050.0222, subparts 2 to 4.
5. Updating existing aquatic life water quality standards for Arsenic, Benzene, Bromoform, Endosulfan, Fluoranthene, Hexachlorobenzene, Nickel, Pentachlorophenol, and Vinyl Chloride under part 7050.0222, subparts 2 to 4.
6. Proposing for Class 7, limited resource value water, reclassification of portions of the following six watercourses:
  - Unnamed ditch and unnamed creek at Rogers, Minnesota
  - Lateral Ditch C and County Ditch No. 55 at Gaylord, Minnesota
  - County Ditch No. 42 at McGregor, Minnesota
  - Unnamed ditch at New Auburn, Minnesota.

The proposed language also updates the rule by revising the list of outstanding resource value waters to include the 37 additional calcareous fens and an additional scientific and natural area; and by classifying certain drinking water supply sources as Class 1C waters. For a free list of the names and legal descriptions of these waters call (612) 296-8382.

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## Proposed Rules

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The proposed rules are authorized by *Minnesota Statutes* sections 115.03 and 115.44. The proposed rules are published immediately after this notice. One free copy of the rules is available on request by calling (612) 296-8382. If you would like additional information about a specific rule amendment, call Debbie Olson at (612) 296-7223. Users of Telephone Devices for the Deaf (TDD) call (612) 297-5353. Any person with a disability needing an accommodation (e.g., sign language interpreter) to participate in this hearing should contact the Agency as soon as possible. This notice, a copy of the proposed rule, and Statement of Need and Reasonableness can be made available in other formats, including Braille, large print and audio tape.

**Statement of Need and Reasonableness.** Notice is hereby given that a Statement of Need and Reasonableness is now available for review at the Agency offices and at the Office of Administrative Hearings. This Statement of Need and Reasonableness includes a summary of all the evidence and argument which the Agency anticipates presenting at the hearing justifying both the need for and reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the Agency offices or at the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

**Small Business Considerations.** *Minnesota Statutes*, section 14.115, subdivision 4, requires that the notice of rulemaking include a statement of the impact of this proposed rule on small business. The purpose of Chapter 7050 is to establish a basis of quality for state waters that protects the beneficial uses of those waters. These rules are not administrative in nature and do not place specific requirements on small businesses.

Chapter 7050 is used to determine permit limits, compliance requirements and enforcement actions for all types of businesses and operations that discharge wastewater into state waters. In that way, these rules will affect small businesses that discharge pollutants to state waters. It is not possible to quantify the impact on small businesses. However, the Statement of Need and Reasonableness explains how the problems of small business may be addressed by the Agency in various procedural steps used to apply these rules to individual situations. For example, an appeal process is available to small businesses and other entities under *Minnesota Rules* parts 7050.0190 and 7000.0700 if the requirements under Chapter 7050 are anticipated to cause undue hardship, prevent the disposal of the sewage, industrial waste, or other waste that is necessary for the public health, safety, or welfare; and strict conformity is unreasonable, impractical, or not feasible under the circumstances. There are other processes noted in the Statement of Need and Reasonableness that allow the Agency to consider small business problems as it implements these rules. But, the Agency cannot make any blanket exemptions without compromising the underlying statutory objectives.

**Economic Factors.** *Minnesota Statutes*, section 116.07, subdivision 6, requires the Agency to give due consideration to economic factors in exercising its powers. The Agency has considered the impact that the proposed amendments will have on industry, municipal government, small business, and other regulated parties. The Agency has determined that the amendments will not result in a substantial change to the overall economic burden of the regulated community. A detailed discussion of the Agency's evaluation can be found in the Chapter 7050 Statement of Need and Reasonableness (April 27, 1993) (SONAR) on pages 101 through 126.

**Expenditures of Public Money by Local Public Bodies.** *Minnesota Statutes*, section 14.11, subdivision 1, requires the Agency to include a statement of the rule's estimated costs to local public bodies in this notice if the rule would have a total cost of over \$100,000 to all local public bodies in the state in either of the two years following adoption of the rule. Based on the available information, the Agency believes that no municipality will incur costs that exceed \$100,000 as a result of the proposed rule amendments. A more detailed discussion of this issue can be found in the SONAR on pages 126 and 127.

**Impact on Agricultural Lands.** *Minnesota Statutes*, section 14.11, subdivision 2, requires that if the rules would have a direct and substantial adverse impact upon agricultural lands in the state, the Agency shall comply with specified additional requirements. The Agency has determined that the rule amendments will not involve the acquisition, permitting, leasing, or funding for agricultural land and will not have an adverse impact upon agricultural lands.

**Hearing Procedure.** All persons will have an opportunity to participate in the public hearing. Any person may present his or her views on the proposed rule amendments by submitting them orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rule amendments. You may also mail written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed twenty (20) calendar days if ordered by the administrative law judge at the hearing. Comments received during this period will be available for review at the Office of Administrative Hearings. You and the Agency may respond in writing within five working days after the comment period ends to any new information submitted. All written materials and responses submitted to the administrative law judge following the close of the comment period must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the final day. No additional evidence may be submitted during this five-day response period.

The Agency requests that any person submitting written views or data to the administrative law judge prior to the hearing or during the comment period also submit a copy of the written views and data to:

Debbie Olson  
Minnesota Pollution Control Agency

Water Quality Division APS  
520 Lafayette Road  
St. Paul, Minnesota 55155

**Modifications.** The proposed rules may be modified as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rule as printed immediately after this notice, and must be supported by data and views presented during the rule hearing process. The Agency urges those who are interested to any extent in the proposed amendments, including those who support the amendments as proposed and do not want to see changes made, to participate in the hearings and make their views known.

**Adoption Procedure After Hearings.** After the close of the hearing record, the administrative law judge will issue a report on the proposed rule. Any person may request notification of the date on which the administrative law judge's report will be available, after which date the Agency may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The Agency's notice must be mailed on the same day that the rules are filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to Debbie Olson at the Agency address stated above at any time prior to the filing of the rules with the Secretary of State.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A requires each lobbyist to register with the State Ethical Practices Board. Questions regarding this requirement may be directed to the:

Ethical Practices Board  
First Floor, Centennial Office Building  
658 Cedar Street  
St. Paul, Minnesota 55155  
Telephone: (612) 296-5148

Charles W. Williams  
Commissioner

## Rules as Proposed

### 7050.0110 SCOPE.

Parts 7050.0130 to ~~7050.0220~~ 7050.0227 apply to all waters of the state, both surface and underground, and include general provisions applicable to the maintenance of water quality and aquatic habitats; definitions of water use classes; standards for dischargers of sewage, industrial, and other wastes; and standards of quality and purity for specific water use classes. This chapter shall apply to ~~both~~ point source and nonpoint source discharges and to physical alterations of wetlands. Other water quality rules of general or specific application that include any more stringent water quality or effluent standards or prohibitions are preserved.

### 7050.0130 DEFINITIONS.

A. The terms "waters of the state," "sewage," "industrial wastes," and "other wastes," as well as any other terms for which definitions are given in the pollution control statutes, as used herein have the meanings ascribed to them in *Minnesota Statutes*, sections 115.01 and 115.41, with the exception that disposal systems or treatment works operated under permit or certificate of compliance of the agency shall not be construed to be "waters of the state."

B. "Commissioner" means the commissioner of the Minnesota Pollution Control Agency or the commissioner's designee.

C. "Nonpoint source" means a land management or land use activity that contributes or may contribute to ground and surface water pollution as a result of runoff, seepage, or percolation and that is not defined as a point source under *Minnesota Statutes*, section 115.01, subdivision ~~45~~ 11.

D. "Physical alteration" means the dredging, filling, draining, or permanent inundating of a wetland.

E. "Surface waters" means waters of the state excluding groundwater as defined in *Minnesota Statutes*, section 115.01, subdivision ~~24~~ 6.

F. "Wetlands" are those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated

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## Proposed Rules

soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed wetlands designed for wastewater treatment are not waters of the state. Wetlands must have the following attributes:

- (1) a predominance of hydric soils;
- (2) inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition; and
- (3) under normal circumstances support a prevalence of such vegetation.

G. Other terms and abbreviations used herein which are not specifically defined in applicable federal or state law shall be construed in conformance with the context, and in relation to the applicable section of the statutes pertaining to the matter at hand, and current professional usage.

### **7050.0150 DETERMINATION OF WATER QUALITY CONDITION AND COMPLIANCE.**

The intent of the state is to protect and maintain surface waters in a condition which allows for the maintenance of all existing beneficial uses. The condition of a surface water body is determined by its physical, chemical, and biological qualities.

The biological quality of any given surface water body shall be assessed by comparison to the biological integrity of a reference condition or conditions which best represents the most natural condition for that surface water body type within a geographic region. The biological quality shall be determined by reliable measures of indicative communities of fauna and flora.

In making tests or analyses of the waters of the state, sewage, industrial wastes, or other wastes to determine compliance with the standards and water quality condition, samples shall be collected in a manner and place, and of such type, number, and frequency as may be considered necessary by the agency from the viewpoint of adequately reflecting the condition of the waters, the composition of the effluents, and the effects of the pollutants upon the specified uses. Reasonable allowance will be made for dilution of the effluents, which are in compliance with part 7050.0211, ~~subpart 4~~ or 7050.0212, as applicable, following discharge into waters of the state. The agency by allowing dilution may consider the effect on all uses of the waters of the state into which the effluents are discharged. The extent of dilution allowed regarding any specific discharge shall not violate the applicable water quality standards. The samples shall be preserved and analyzed according to procedures in *Code of Federal Regulations*, title 40, part 136. The agency may accept or may develop other methods, procedures, guidelines, or criteria for measuring, analyzing, and collecting samples.

### **7050.0170 NATURAL WATER QUALITY.**

The waters of the state may, in a state of nature natural condition, have some water quality characteristics or properties chemical concentrations approaching or exceeding the limits specified in the water quality standards. Natural conditions exist where there is no discernible impact from point or nonpoint source pollutants attributable to human activity or from a physical alteration of wetlands. Natural background levels are defined by water quality monitoring. Where water quality monitoring data are not available, background levels can be predicted based on data from a watershed with similar characteristics.

~~The Where natural background levels do not exceed applicable standards shall be construed as limiting, the addition of pollutants of from human activity from either and resulting point or nonpoint source discharges to those of natural origin, where such be present, so that in total the specified limiting concentrations will not be exceeded in the waters by reason of such controllable additions. Where the background level of the natural origin is reasonably definable and normally of lower quality than the specified standard the natural level may be used as the standard for controlling the addition of pollutants of human activity which are comparable in nature and significance with those of natural origin. The natural background level may be used instead of the specified water quality standard as a maximum limit of the addition of pollutants, in those instances where the natural level is consistently of better quality than the specified standard and reasonable justification exists for preserving the quality to that found in a state of nature: shall be limited such that, in total, the natural background levels and the additions from human activity shall not exceed the standards. When reasonable justification exists to preserve the higher natural quality of a water resource, the commissioner may use the natural background levels that are lower than the applicable site-specific standards to control the addition of the same pollutants from human activity. The reasonable justification must meet the requirements under parts 7050.0180 and 7050.0185.~~

Where background levels exceed applicable standards, the background levels may be used as the standards for controlling the addition of the same pollutants from point or nonpoint source discharges in place of the standards.

In the adoption of standards for individual waters of the state, the agency will be guided by the standards herein but may make reasonable modifications of the same on the basis of evidence brought forth at a public hearing if it is shown to be desirable and in the public interest to do so in order to encourage the best use of the waters of the state or the lands bordering such waters.

### **7050.0180 NONDEGRADATION FOR OUTSTANDING RESOURCE VALUE WATERS.**

[For text of subs 1 to 3, see M.R.]

Subp. 4. **DNR designated scientific and natural areas.** Department of Natural Resources designated scientific and natural areas include but are not limited to:

[For text of items A to J, see M.R.]

- K. Black Lake Bog, Pine County; and
- L. Pembina Trail Preserve, Polk County; and
- M. Falls Creek, Washington County.

[For text of subps 5 to 6a, see M.R.]

Subp. 6b. **Calcareous fens.** The following calcareous fens are designated outstanding resource value waters:

- ~~A. Spring Creek fen, Becker County;~~
- ~~B. B-B Ranch fen, Clay County;~~
- ~~C. Barnesville WMA fen, Clay County;~~
- ~~D. Felton fen, Clay County;~~
- ~~E. Spring Prairie fen, Clay County;~~
- ~~F. Clearbrook fen, Clearwater County;~~
- ~~G. Fort Snelling State Park fen, Dakota County;~~
- ~~H. Minnesota Valley fen, Dakota County;~~
- ~~I. Nicols Meadow, Dakota County;~~
- ~~J. Perched Valley WMA fen, Goodhue County;~~
- ~~K. Heron Lake fen, Jackson County;~~
- ~~L. Thompson fen, Jackson County;~~
- ~~M. Fish Hatchery fen, Le Sueur County;~~
- ~~N. St. Peter fen, Le Sueur County;~~
- ~~O. Altona State Wildlife Management Area fen, Lincoln and Pipestone Counties;~~
- ~~P. Waubun fen, Mahnomon County;~~
- ~~Q. Truman fen, Martin County;~~
- ~~R. Fort Ridgely fen, Nicollet County;~~
- ~~S. Le Sueur fen, Nicollet County;~~
- ~~T. Adrian fen, Nobles County;~~
- ~~U. Primula Meadow (Faith fen), Norman County;~~
- ~~V. Rock Dell fen, Olmsted County;~~
- ~~W. Burke State Wildlife Management Area fen, Pipestone County;~~
- ~~X. Chicog WMA fen, Polk County;~~
- ~~Y. Kertsonville WMA fen, Polk County;~~
- ~~Z. Pankratz fen (Svedarsky's fen), Polk County;~~
- ~~AA. Ordway fen, Pope County;~~
- ~~BB. Cannon River fen, Rice County;~~
- ~~CC. Savage fen, Scott County;~~
- ~~DD. Kennedy fen, Winona County; and~~
- ~~EE. Sioux Nation fen, Yellow Medicine County.~~

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## Proposed Rules

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A. Becker County: Spring Creek WMA NHR fen, 34 (T.142, R.42, S.13);

B. Carver County: Seminary fen, 75 (T.116, R.23, S.35);

C. Clay County:

(1) Barnesville Moraine fen, 44 (T.137, R.44, S.18);

(2) Barnesville WMA fen, 10 (T.137, R.45, S.1);

(3) Barnesville WMA fen, 43 (T.137, R.44, S.18);

(4) Felton Prairie fen, 28 (T.142, R.46, S.36);

(5) Felton Prairie fen, 36 (T.141, R.46, S.13);

(6) Felton Prairie fen, 48 (T.142, R.45, S.31);

(7) Felton Prairie fen, 53 (T.141, R.46, S.24);

(8) Haugtvedt WPA North Unit fen, 54 (T.137, R.44, S.28, 29); and

(9) Spring Prairie fen, 37 (T.140, R.46, S.11);

D. Clearwater County: Clearbrook fen, 61 (T.149, R.37, S.17);

E. Dakota County:

(1) Black Dog Preserve fen, 63 (T.27, R.24, S.34);

(2) Fort Snelling State Park fen, 25 (T.27, R.23, S.4); and

(3) Nicols Meadow fen, 24 (T.27, R.23, S.18);

F. Goodhue County:

(1) Holden l West fen, 3 (T.110, R.18, S.1);

(2) Perched Valley Wetlands fen, 2 (T.112, R.13, S.8); and

(3) Red Wing fen, 72 (T.113, R.15, S.21);

G. Houston County: Houston fen, 62 (T.104, R.6, S.26);

H. Jackson County:

(1) Heron Lake fen, 45 (T.103, R.36, S.29); and

(2) Thompson Prairie fen, 20 (T.103, R.35, S.7);

I. Le Sueur County:

(1) Ottawa Bluff fen, 56 (T.110, R.26, S.3);

(2) Ottawa WMA fen, 7 (T.110, R.26, S.11); and

(3) Ottawa WMA fen, 60 (T.110, R.26, S.14);

J. Lincoln County: Hole-in-the-Mountain Prairie fen, 6; Pipestone (T.108, R.46, S.1; T.109, R.45, S.31);

K. Mahnomen County: Waubun WMA fen, 11 (T.143, R.42, S.25);

L. Marshall County:

(1) Tamarac River fen, 71 (T.157, R.46, S.2);

(2) Viking fen, 68 (T.155, R.45, S.18);

(3) Viking fen, 70 (T.155, R.45, S.20); and

(4) Viking Strip fen, 69 (T.154, R.45, S.4);

M. Martin County: Perch Creek WMA fen, 33 (T.104, R.30, S.7);

N. Murray County: Lost Timber Prairie fen, 13 (T.105, R.43, S.2);

O. Nicollet County:

(1) Fort Ridgely fen, 21 (T.111, R.32, S.6); and

(2) Le Sueur fen, 32 (T.111, R.26, S.16);

P. Nobles County: Westside fen, 59 (T.102, R.43, S.11);

Q. Norman County:

- (1) Agassiz-Olson WMA fen, 17 (T.146, R.45, S.22);
- (2) Faith Prairie fen, 15 (T.144, R.43, S.26);
- (3) Faith Prairie fen, 16 (T.144, R.43, S.35);
- (4) Faith Prairie fen, 27 (T.144, R.43, S.25); and
- (5) Green Meadow fen, 14 (T.145, R.45, S.35, 36);

R. Olmsted County:

- (1) High Forest fen, 12 (T.105, R.14, S.14, 15); and
- (2) Nelson WMA fen, 5 (T.105, R.15, S.16);

S. Pennington County:

- (1) Sanders East fen, 65 (T.153, R.44, S.7);
- (2) Sanders East fen, 74 (T.153, R.44, S.7); and
- (3) Sanders fen, 64 (T.153, R.44, S.18, 19);

T. Pipestone County:

- (1) Burke WMA fen, 57 (T.106, R.44, S.28); and
- (2) Hole-in-the-Mountain Prairie fen, 6 (see Lincoln County, item J);

U. Polk County:

- (1) Chicog Prairie fen, 39 (T.148, R.45, S.28);
- (2) Chicog Prairie fen, 40 (T.148, R.45, S.33);
- (3) Chicog Prairie fen, 41 (T.148, R.45, S.20, 29);
- (4) Chicog Prairie fen, 42 (T.148, R.45, S.33);
- (5) Kittleson Creek Mire fen, 55 (T.147, R.44, S.6, 7);
- (6) Tympanuchus Prairie fen, 26 (T.149, R.45, S.17); and
- (7) Tympanuchus Prairie fen, 38 (T.149, R.45, S.16);

V. Pope County:

- (1) Blue Mounds fen, 1 (T.124, R.39, S.14, 15);
- (2) Lake Johanna fen, 4 (T.123, R.36, S.29); and
- (3) Ordway Prairie fen, 35 (T.123, R.36, S.30);

W. Redwood County:

- (1) Swedes Forest fen, 8 (T.114, R.37, S.19, 20); and
- (2) Swedes Forest fen, 9 (T.114, R.37, S.22, 27);

X. Rice County:

- (1) Cannon River Wilderness Area fen, 18 (T.111, R.20, S.34); and
- (2) Cannon River Wilderness Area fen, 73 (T.111, R.20, S.22);

Y. Scott County:

- (1) Savage fen, 22 (T.115, R.21, S.17);
- (2) Savage fen, 66 (T.115, R.21, S.16); and
- (3) Savage fen, 67 (T.115, R.21, S.17);

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## Proposed Rules

### Z. Wilkin County:

- (1) Anna Gronseth Prairie fen, 47 (T.134, R.45, S.15);
- (2) Anna Gronseth Prairie fen, 49 (T.134, R.45, S.10);
- (3) Anna Gronseth Prairie fen, 52 (T.134, R.45, S.4);
- (4) Rothsay Prairie fen, 46 (T.136, R.45, S.33);
- (5) Rothsay Prairie fen, 50 (T.135, R.45, S.15, 16); and
- (6) Rothsay Prairie fen, 51 (T.135, R.45, S.9);

AA. Winona County: Wiscoy fen, 58 (T.105, R.7, S.15); and

### BB. Yellow Medicine County:

- (1) Sioux Nation WMA NHR fen, 29 (T.114, R.46, S.17); and
- (2) Yellow Medicine fen, 30 (T.115, R.46, S.18).

[For text of subps 7 to 10, see M.R.]

### **7050.0185 NONDEGRADATION FOR ALL WATERS.**

Subpart 1. **Policy.** The potential capacity of the water to assimilate additional wastes ~~is a~~ and the beneficial uses inherent in water resources are valuable public resource resources. It is the policy of the state of Minnesota to protect all waters from significant degradation from point and nonpoint sources and wetland alterations, and to maintain existing water uses, aquatic and wetland habitats, and the level of water quality necessary to protect these uses.

Subp. 2. **Definitions.** For the purpose of this part, the following terms have the meanings given them:

[For text of items A to E, see M.R.]

F "Toxic pollutant" means a pollutant listed as toxic under section 307(a)(1) of the Clean Water Act, *United States Code*, title 33, section 1317(a)(1), or as defined by *Minnesota Statutes*, section 115.01, subdivision ~~14~~ 20.

[For text of item G, see M.R.]

[For text of subp 3, see M.R.]

Subp. 4. **Additional requirements for significant discharges.** If a person proposes a new or expanded significant discharge from either a point or nonpoint source, the agency shall determine whether additional control measures beyond those required by subpart 3 can reasonably be taken to minimize the impact of the discharge on the receiving water. In making the decision, the agency shall consider the importance of economic and social development ~~and~~ impacts of the project, the impact of the discharge on the quality of the receiving water, the characteristics of the receiving water, the cumulative impacts of all new or expanded discharges on the receiving water, the costs of additional treatment beyond what is required of nonsignificant dischargers, and other matters as shall be brought to the agency's attention.

[For text of subps 5 to 8, see M.R.]

Subp. 9. Physical alterations of wetlands. The permit or certification applicant shall comply with part 7050.0186 if there is a proposed physical alteration that has the potential for a significant adverse impact to a designated use of a wetland and that is associated with a project that requires a National Pollutant Discharge Elimination System (NPDES) permit, a 401 certification under parts 7001.1400 to 7001.1470, or a state disposal system permit.

### **7050.0186 WETLAND MITIGATION.**

Subpart 1. Policy. It is the policy of the state to protect wetlands from significant adverse impacts on wetland designated uses. Wetland mitigation maintains nondegradation of wetland designated uses.

Subp. 2. Wetland mitigation principles. The wetland mitigative sequence incorporates the following principles in descending order of priority:

A. avoid the impact altogether by not taking a certain action or parts of an action;

B. minimize the impact by limiting the degree or magnitude of the action and its implementation, and by taking affirmative actions to rectify the impact and reduce or eliminate the impact over time; and

C. mitigate the unavoidable impact to the designated uses of a wetland by compensation. Compensatory mitigation shall be accomplished in the following descending order of priority of replacement:

(1) restoration of a previously diminished wetland; and

(2) creation of a wetland.

Subp. 3. Determination of wetland dependency. A project is wetland dependent if wetland designated uses are essential to fulfill the basic purpose of the project. A wetland dependent project is exempt from subpart 4, but will follow the remainder of the mitigation sequence. Where the proposed project is not wetland dependent, the wetland mitigation sequence in subpart 2 must be followed.

Subp. 4. Impact avoidance. No person may cause or allow a physical alteration which has the potential for a significant adverse impact on one or more designated uses of a wetland, unless there is not a prudent and feasible alternative that would avoid impacts to the designated uses of the wetland.

A. Prudent and feasible alternatives that do not involve wetlands are presumed to be available unless clearly demonstrated otherwise by the permit or certification applicant.

B. If no prudent and feasible alternative is available for avoidance, potential significant adverse impacts to the designated uses of the wetland shall be minimized in compliance with subpart 5.

Subp. 5. Impact minimization.

A. The permit or certification applicant shall implement actions to minimize potential significant adverse impacts of the physical alteration.

B. In evaluating the applicant's actions to minimize impacts, the agency shall consider:

(1) the spatial requirements of the project;

(2) the location of existing structural or natural features that may dictate the placement or configuration of the project;

(3) the purpose of the project and how the purpose relates to placement, configuration, or density;

(4) the sensitivity of the site design to the natural features of the site, including topography, hydrology, and existing vegetation;

(5) the designated uses and spatial distribution of the wetlands on the site;

(6) individual and cumulative impacts; and

(7) the applicable minimization activities identified in Code of Federal Regulations, title 40, section 230, subpart H, as amended.

C. If the potential for significant adverse impacts on designated uses remains after all actions to minimize the impacts have been incorporated into the proposed project, unavoidable impacts shall be compensated for in compliance with subpart 6.

Subp. 6. Impact compensation. The permit or certification applicant shall provide compensatory mitigation for unavoidable impacts on the designated uses of the wetland in accordance with this subpart.

A. Compensatory mitigation must be sufficient to ensure replacement of the diminished or lost designated uses of the wetland that was physically altered.

B. Compensatory mitigation shall be accomplished in the following descending order of priority of replacement:

(1) restoration of a previously diminished wetland; and

(2) creation of a wetland.

C. If compensatory mitigation is accomplished by restoration or creation, the replacement wetland shall be of the same type and in the same watershed as the impacted wetland, to the extent feasible.

D. Compensatory mitigation shall be completed before or concurrent with the actual physical alteration of the wetland affected by the proposed project.

#### **7050.0200 WATER USE CLASSIFICATIONS FOR WATERS OF THE STATE.**

Subpart 1. Introduction. Based on considerations of best usage in the interest of the public and in conformance with the requirements of the applicable statutes, the waters of the state shall be grouped into one or more of the following classes: ~~in subparts 2 to 8.~~

4- Subp. 2. Class 1 waters, domestic consumption. Domestic consumption includes all waters of the state which are or may be used as a source of supply for drinking, culinary or food processing use or other domestic purposes, and for which quality control is or may be necessary to protect the public health, safety, or welfare.

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~~2. Fisheries Subp. 3. Class 2 waters, aquatic life and recreation.~~ Aquatic life and recreation includes all waters of the state which ~~are do~~ or may be used for fishing, fish culture support fish, other aquatic life, bathing, boating, or ~~any~~ other recreational purposes, and for ~~which~~ where quality control is or may be necessary to protect aquatic or terrestrial life or their habitats, or the public health, safety, or welfare.

~~3. Subp. 4. Class 3 waters, industrial consumption.~~ Industrial consumption includes all waters of the state which are or may be used as a source of supply for industrial process or cooling water, or any other industrial or commercial purposes, and for which quality control is or may be necessary to protect the public health, safety, or welfare.

~~4. Subp. 5. Class 4 waters, agriculture and wildlife.~~ Agriculture and wildlife includes all waters of the state which are or may be used for any agriculture purposes, including stock watering and irrigation, or by waterfowl or other wildlife, and for which quality control is or may be necessary to protect terrestrial life and its habitat or the public health, safety, or welfare.

~~5. Subp. 6. Class 5 waters, aesthetic enjoyment and navigation.~~ Aesthetic enjoyment and navigation includes all waters of the state which are or may be used for any form of water transportation or navigation, or fire prevention, and for which quality control is or may be necessary to protect the public health, safety, or welfare.

~~6. Subp. 7. Class 6 waters, other uses.~~ Other uses includes all waters of the state which are or may serve the above listed uses or any other beneficial uses not listed herein, including without limitation any such uses in this or any other state, province, or nation of any waters flowing through or originating in this state, and for which quality control is or may be necessary for the above declared purposes, or to conform with the requirements of the legally constituted state or national agencies having jurisdiction over such waters, or any other considerations the agency may deem proper.

~~7. Subp. 8. Class 7 waters, limited resource value waters.~~ Limited resource value waters ~~includes~~ include surface waters of the state which ~~are of have been~~ subject to a use attainability analysis and have been found to have limited value as a water resource ~~and where~~. Water quantities in these waters are intermittent or less than one cubic foot per second at the once in ten year, seven-day low flow as defined in part 7050.0210, subpart 7. These waters shall be protected so as to allow secondary body contact use, to preserve the groundwater for use as a potable water supply, and to protect aesthetic qualities of the water. It is the intent of the agency that very few waters be classified as limited resource value waters. ~~In conjunction with~~ The use attainability analysis must take into consideration those factors listed in *Minnesota Statutes*, section 115.44, subdivisions 2 and 3, the agency, in cooperation and agreement with the Department of Natural Resources with respect to determination of fisheries values and potential, shall be used to determine the extent to which the waters of the state demonstrate ~~the conditions set forth below~~:

A. the existing ~~fishery~~ and potential ~~fishery~~ faunal and floral communities are severely limited by natural conditions as exhibited by poor water quality characteristics, lack of habitat, or lack of water; or

[For text of item B, see M.R.]

C. there are limited recreational opportunities (such as fishing, swimming, wading, or boating) in and on the water resource.

The conditions "a" and "c" or "b" and "e" in items A and C or B and C must be established by the agency water assessment procedure use attainability analysis before the waters can be classified as limited resource value waters.

### 7050.0210 GENERAL STANDARDS FOR DISCHARGERS TO WATERS OF THE STATE.

[For text of subs 1 to 7, see M.R.]

Subp. 9. **Water quality based effluent limitations.** Notwithstanding parts 7050.0213 and 7050.0214, the agency may require a specific discharger to meet effluent limitations for specific pollutants or whole effluent toxicity which are necessary to maintain the water quality of the receiving water at the standards of quality and purity established by this chapter. Any effluent limitation determined to be necessary under this section shall only be required of a discharger after the discharger has been given notice of the specific effluent limitations and an opportunity for public hearing provided that compliance with the requirements of chapter 7001 regarding notice of National Pollutant Discharge Elimination System and State Disposal System permits shall satisfy the notice and opportunity for hearing requirements of this subpart.

[For text of subs 10 to 13, see M.R.]

Subp. 13a. **Wetland pollution prohibited.** Wetland conditions shall be protected from chemical, physical, biological, or radiological changes to prevent significant adverse impacts to the following designated uses: maintaining biological diversity, preserving wildlife habitat, and providing recreational opportunities as specified in part 7050.0222, subpart 6; erosion control, groundwater recharge, low flow augmentation, stormwater retention, and stream sedimentation as specified in part 7050.0224, subpart 4; and aesthetic enjoyment as specified in part 7050.0225, subpart 2.

[For text of subs 15 to 18, see M.R.]

### 7050.0211 FACILITY STANDARDS.

Subpart 1. **Minimum secondary treatment for municipal point source and other point source dischargers of sewage.** It is

established that the agency shall require secondary treatment as a minimum for all municipal point source dischargers and other point source dischargers of sewage. For purposes of this part, municipal has the adjective meaning of municipality as defined in part 7001.1020, subpart 18. Secondary treatment facilities are defined as works which will provide effective sedimentation, biochemical oxidation, and disinfection, or the equivalent, including effluents conforming to the following:

<b>Substance or Characteristic</b>	<b>Limiting Concentration or Range*</b>
<del>5-Day</del> <u>Five-day</u> carbonaceous biochemical oxygen demand*	25 milligrams per liter
Fecal coliform group organisms ***	200 organisms per 100 milliliters
Total suspended solids*	30 milligrams per liter
Oil	Essentially free of visible oil
Phosphorus**	1 milligram per liter
pH range	6.0 - 9.0
Toxic or corrosive pollutants	Concentrations of toxic or corrosive pollutants shall not cause acute toxicity to humans or other animals or plant life or directly damage real property or exceed the final acute value unless the effluent satisfies the whole effluent toxicity test below. If a whole effluent toxicity test performed on the effluent results in less than 50 percent mortality of the test organisms, the effluent will not be considered acutely toxic unless the commissioner finds that the test species do not represent sensitive organisms in the affected surface water body or the whole effluent test was performed on a sample not representative of the effluent quality. The final acute value and whole effluent toxicity test are defined in part 7050.0218, subpart 3, items O and <del>FF</del> <u>HH</u> , respectively.

\*The arithmetic mean for concentrations of five-day carbonaceous biochemical oxygen demand and total suspended solids shall not exceed the stated values in any calendar month. In any calendar week, the arithmetic mean for concentrations of five-day carbonaceous biochemical oxygen demand shall not exceed 40 milligrams per liter and total suspended solids shall not exceed 45 milligrams per liter.

\*\*Where the discharge of effluent is directly to or affects a lake or reservoir, phosphorus removal to one milligram per liter shall be required. The arithmetic mean shall not exceed the stated value in any calendar month. In addition, removal of nutrients from all wastes shall be provided to the fullest practicable extent wherever sources of nutrients are considered to be actually or potentially detrimental to preservation or enhancement of the designated water uses. Dischargers required to control nutrients by this subpart are subject to the variance provisions of part 7050.0190.

\*\*\*Disinfection of wastewater effluents to reduce the levels of fecal coliform organisms to the stated value is required from March 1 through October 31 (Class 2 waters) and May 1 through October 31 (Class 7 waters) except that where the effluent is discharged 25 miles or less upstream of a water intake supplying a potable water system, the reduction to the stated value is required year around. The stated value is not to be exceeded in any calendar month as determined by the geometric mean of all the samples collected in a given calendar month. The application of the fecal coliform group organism standards shall be limited to sewage or other effluents containing admixtures of sewage and shall not apply to industrial wastes except where the presence of sewage, fecal coliform organisms, or viable pathogenic organisms in such wastes is known or reasonably certain. Analysis of samples for fecal coliform group organisms by either the multiple tube fermentation or the membrane filter techniques is acceptable.

Subp. 2. **Exception for existing trickling filter facilities.** The exception for existing trickling filter facilities is:

A. The secondary treatment effluent limitations in ~~part 7050.0210~~, subpart 1, for ~~5-day~~ five-day carbonaceous biochemical

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oxygen demand and total suspended solids does not apply to municipal point source dischargers and other point source dischargers of sewage that meet all of the following conditions:

[For text of subitems (1) and (2), see M.R.]

(3) The discharger has been incapable of consistently meeting the effluent limitations for ~~5-day~~ five-day carbonaceous biochemical oxygen demand or total suspended solids contained in ~~part 7050.0210~~, subpart 1.

B. For those municipal point source dischargers and other point source dischargers of sewage that meet the conditions of item A, the following effluent limitations for ~~5-day~~ five-day carbonaceous biochemical oxygen demand and total suspended solids apply as the arithmetic mean of all samples collected during a calendar month.

<del>5-day</del> <u>Five-day</u> carbonaceous biochemical oxygen demand	40 milligrams per liter*
Total suspended solids	45 milligrams per liter**

\*In any calendar week, the arithmetic mean for ~~5-day~~ five-day carbonaceous biochemical oxygen demand shall not exceed 60 milligrams per liter.

\*\*The arithmetic mean for any calendar week shall not exceed 65 milligrams per liter for total suspended solids.

C. The other effluent limitations in ~~part 7050.0210~~, subpart 1, apply to those municipal point source dischargers and other point source dischargers of sewage whose limitations for ~~5-day~~ five-day carbonaceous biochemical oxygen demand and total suspended solids are established by this subpart.

Subp. 3. **Exception for pond facilities.** The exception for pond facilities is:

A. The secondary treatment effluent limitations in ~~part 7050.0210~~, subpart 1, for total suspended solids does not apply to municipal point source dischargers and other point source dischargers of sewage that operate stabilization ponds or aerated ponds as the principal method of biologically treating the wastewater.

[For text of item B, see M.R.]

C. The other effluent limitations in ~~part 7050.0210~~, subpart 1, apply to those municipal point source dischargers and other point source dischargers of sewage whose limitations for total suspended solids are established by this subpart.

### 7050.0212 REQUIREMENTS FOR POINT SOURCE DISCHARGERS OF INDUSTRIAL OR OTHER WASTES.

[For text of subpart 1, see M.R.]

Subp. 2. **Feedlot exemption.** The requirements of subpart 1, items B and C, do not apply to animal feedlots.

**Subp. 2a. Dredge disposal exemption.** The requirements for total suspended solids and phosphorus under subparts 1, item B, and 4, do not apply to waters discharged from a dredge disposal facility and returned to the water body where the water was removed if:

A. best management practices and best practicable technology are established in a state disposal system permit for the facility;  
and

B. the designated uses as established under part 7050.0221 to 7050.0227 are maintained.

[For text of subps 3 to 6, see M.R.]

### 7050.0213 ADVANCED WASTEWATER TREATMENT REQUIREMENTS.

In any instance where it is evident that the minimal treatment specified in part 7050.0211, subpart 1, or 7050.0212 and dispersion are not effective in preventing pollution, or if at the applicable flows it is evident that the specified stream flow is inadequate to protect the specified water quality standards, the specific standards may be interpreted as effluent standards for control purposes. In addition, the following effluent standards may be applied without any allowance for dilution where stream flow or other factors are such as to prevent adequate dilution, or where it is otherwise necessary to protect the waters of the state for the stated uses:

Item*	Limits**
<del>5-day</del> <u>Five-day</u> carbonaceous biochemical oxygen demand	5 milligrams per liter (arithmetic mean of all samples taken during any calendar month)

\*The concentrations specified in part 7050.0211, subpart 1, or, if applicable, part 7050.0212 may be used in lieu thereof if the discharge of effluent is restricted to the spring flush or other high runoff periods when the stream flow rate above the discharge point is sufficiently greater than the effluent flow rate to insure that the applicable water quality standards are met during such discharge period.

If treatment works are designed and constructed to meet the specified limits given above for a continuous discharge, at the discretion of the agency the operation of such works may allow for the effluent quality to vary between the limits specified above and in part

7050.0211, subpart 1, or, if applicable, part 7050.0212, provided the water quality standards and all other requirements of the agency and the United States Environmental Protection Agency are being met. Such variability of operation must be based on adequate monitoring of the treatment works and the effluent and receiving waters as specified by the agency.

**\*\*If a discharger is required by the commissioner to implement a pretreatment program for the control of toxic pollutants from industrial contributors and the program has not yet been implemented, the discharger's effluent limitation for total suspended solids shall be five milligrams per liter until such time as the program has been implemented.**

This section shall not apply to discharges to surface waters classified as limited resource value waters pursuant to parts 7050.0200, ~~number 7 subpart 8,~~ and 7050.0400 to 7050.0470.

**7050.0214 REQUIREMENTS FOR POINT SOURCE DISCHARGERS TO LIMITED RESOURCE VALUE WATERS.**

Subpart 1. **Effluent limitations.** For point source discharges of sewage, industrial, or other wastes to surface waters classified as limited resource value waters pursuant to parts 7050.0200, ~~number 7 subpart 8,~~ and 7050.0400 to 7050.0470, the agency shall require treatment facilities which will provide effluents conforming to the following limitations:\*

<b>Substance or Characteristic</b>	<b>Limiting Concentration</b>
<del>5-Day</del> <u>Five-day</u> carbonaceous biochemical oxygen demand	15 milligrams per liter (arithmetic mean of all samples taken during any calendar month)

\*All effluent limitations specified in part 7050.0211, subpart 1, shall also be applicable to dischargers of sewage to Class 7 waters, provided that toxic or corrosive pollutants shall be limited to the extent necessary to protect the designated uses of the receiving water or affected downstream waters.

Subp. 2. **Alternative secondary treatment effluent limitations.** The agency shall allow treatment works to be constructed and/or operated to produce effluents to limited resource value waters at levels up to those stated in part 7050.0211, ~~subpart 1,~~ provided that it is demonstrated that the water quality standards for limited resource value waters will be maintained during all periods of discharge from the treatment facilities.

[For text of subp 3, see M.R.]

Subp. 4. **Public waters designation unaffected.** The classification of surface waters as limited resource value waters pursuant to parts 7050.0200, ~~number 7 subpart 8,~~ and 7050.0400 to 7050.0470 shall not supersede, alter, or replace the classification and designation of such waters as public waters pursuant to ~~applicable provisions and requirements of Minnesota Statutes, chapter 405 103G.~~

**7050.0215 REQUIREMENTS FOR ANIMAL FEEDLOTS.**

Subpart 1. **Definitions.** For the purpose of this part, the following terms have the meanings given them:

[For text of items A to C, see M.R.]

D. "Treatment works" has the meaning given in *Minnesota Statutes*, section 115.01, subdivision ~~7 21,~~ and includes a vegetated filter or buffer strip located between an animal feedlot or a manure storage area and a receiving water.

Subp. 2. **~~Effluent limitations~~ Requirements for a discharge.**

A. Any person discharging pollutants to surface waters of the state from an animal feedlot or manure storage area who is not regulated by federal requirements under part 7050.0212, subpart 1, shall ~~comply with the following limitations~~ have a feedlot pollution rating of zero using a 25-year, 24-hour rainfall event, after allowance for pollutant removal by a treatment works. The feedlot pollution rating is determined by the "feedlot evaluation system model," which is incorporated by reference. The model appears in "An Evaluation System to Rate Feedlot Pollution Potential," published by the United States Department of Agriculture (Illinois, 1982), and is available at the State Law Library through the Minitex interlibrary loan system. This document is not subject to frequent change.

<u>5-day</u> biochemical oxygen demand	25 milligrams per liter (arithmetic mean of all samples taken during any calendar month)
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B. If the discharge is directly to or affects a lake or reservoir, the person discharging the pollutants shall comply with the nutrient control requirements of part 7050.0211, subpart 1.

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~~B. C.~~ The effluent limitations in item ~~A B~~ are not applicable whenever rainfall events, either chronic or catastrophic, cause an overflow from an animal feedlot or manure storage area designed, constructed, and operated:

(1) to meet the effluent limitations in item ~~A B~~ for rainfall events less than or equal to a 25-year, 24-hour rainfall event for that location; or

[For text of subitem (2), see M.R.]

### 7050.0216 REQUIREMENTS FOR AQUACULTURE FACILITIES.

[For text of subs 1 to 3, see M.R.]

Subp. 4. **Additional requirements.** Except as expressly excluded in this part, the construction, operation, and maintenance of a concentrated aquatic animal production facility shall comply with the requirements of parts 7050.0110 to 7050.0214 and 7050.0217 to ~~7050.0220~~ 7050.0227.

[For text of subp 5, see M.R.]

Subp. 6. **Special conditions.**

[For text of items A to D, see M.R.]

E. Water treatment and chemical additives. The discharge of water treatment and chemical additives shall comply with parts 7050.0218 and ~~7050.0220~~ 7050.0221 to 7050.0227.

### 7050.0217 OBJECTIVES FOR PROTECTION OF SURFACE WATERS FROM TOXIC POLLUTANTS.

Subpart 1. **Purpose and applicability.** The purpose of parts 7050.0217 and 7050.0218 are to establish methods for developing site-specific water quality criteria for toxic pollutants in the absence of numerical standards listed in ~~part 7050.0220~~ parts 7050.0221 to 7050.0227. The site-specific numerical criteria established by these methods protect Class 1 surface waters for public and private domestic consumption and Class 2 waters for the propagation and maintenance of fish and aquatic life, the consumption of fish and edible aquatic life by humans, and the consumption of aquatic organisms by wildlife. These criteria also protect the uses assigned to Class 7, limited resource value, waters as described in ~~part 7050.0220~~ parts 7050.0221 to 7050.0227.

Subp. 2. **Objectives.** Protection of the aquatic community from the toxic effects of pollutants means the protection of no less than 95 percent of all the species in any aquatic community. Greater protection may be applied to a community if economically, recreationally, or ecologically important species are very sensitive.

Protection of human consumers of fish, other edible aquatic organisms, and water for drinking from surface waters means that exposure from noncarcinogenic chemicals shall be below levels expected to produce known adverse effects; and the incremental cancer risk from exposure to carcinogenic chemicals, singly or in mixtures, shall not exceed one in 100,000. The combined risk from mixtures of carcinogens will be determined as described in ~~part 7050.0220, subpart 3, item G~~ 7050.0222, subpart 7, item D.

Protection of wildlife that eat aquatic organisms means the protection of the most sensitive wildlife species or populations. Greater protection may be applied if the exposed animals include endangered or threatened wildlife species listed in chapter 6134, or in the *Code of Federal Regulations*, title 50, part 17, under the Endangered Species Act of 1973, *United States Code*, title 16, sections 1531 to 1543.

### 7050.0218 METHODS FOR PROTECTION OF SURFACE WATERS FROM TOXIC POLLUTANTS FOR WHICH NUMERICAL STANDARDS NOT PROMULGATED.

Subpart 1. **Purpose.** The numerical water quality standards for toxic pollutants in ~~part 7050.0220~~ parts 7050.0221 to 7050.0227 do not address all pollutants which may be discharged to surface waters and cause toxic effects. Therefore, methods are established in this part to address on a site-by-site and case-by-case basis the discharge into surface waters of toxic pollutants not listed in ~~part 7050.0220~~ parts 7050.0221 to 7050.0227.

The agency may also adopt new standards according to *Minnesota Statutes*, chapter 14, to replace those listed in ~~part 7050.0220~~ parts 7050.0221 to 7050.0227 that are more stringent or less stringent if new scientific evidence shows that a change in the standard is justified.

Subp. 2. **Site-specific criteria for pollutants not listed in** ~~part 7050.0220~~ parts 7050.0221 to 7050.0227. Site-specific criteria for toxic pollutants not listed in ~~part 7050.0220~~ parts 7050.0221 to 7050.0227 shall be derived by the commissioner using the procedures in this part.

[For text of items A and B, see M.R.]

Subp. 3. **Definitions.** For the purposes of parts 7050.0217 to ~~7050.0220~~ 7050.0227, the following terms have the meanings given them.

[For text of item A, see M.R.]

B. "Acute toxicity" means a stimulus severe enough to rapidly induce a response. In toxicity tests, a response is normally observed in 96 hours or less. Acute effects are often measured in terms of mortality or other debilitating effects, represented as LC50s or EC50s, and expressed as concentrations of mass per unit volume, percent effluent, or toxic units.

[For text of items C to G, see M.R.]

H. "Chronic criterion" or "CC" means the highest water concentration of a toxicant or effluent to which organisms can be exposed indefinitely without causing chronic toxicity.

I. "Chronic standard" or "CS" means the highest water concentration of a toxicant to which organisms can be exposed indefinitely without causing chronic toxicity. Chronic standards are listed in part ~~7050.0220, subpart 3~~ 7050.0222.

[For text of items J to T, see M.R.]

U. "Maximum standard" or "MS" means the highest concentration of a toxicant in water to which aquatic organisms can be exposed for a brief time with zero to slight mortality. The MS equals the FAV divided by two. Maximum standards are listed in part ~~7050.0220, subpart 3~~ 7050.0222.

[For text of items V to Y, see M.R.]

Z. "Percent effluent" means the representation of acute or chronic toxicity of an effluent as a percent of whole effluent mixed in dilution water, where acute toxicity is expressed by LC50s or EC50s and chronic toxicity is expressed by NOAELs.

~~AA.~~ "Reference dose" or "RfD" means an estimate of a daily exposure to the human population, including sensitive subpopulations, that is likely to be without appreciable risk or deleterious effects over a lifetime. The RfD is expressed in units of daily dose and was formerly known as the acceptable daily intake.

~~AA.~~ ~~BB.~~ "Species mean acute value" or "SMAV" means the geometric mean of all the available and acceptable acute values for a species.

~~BB.~~ ~~CC.~~ "Standard" means a number or numbers established for a pollutant or water quality characteristic to protect a specified beneficial use as listed in part ~~7050.0220~~ parts 7050.0221 to 7050.0227. The standard for a toxic pollutant includes the CS, MS, and FAV. Some pollutants do not have an MS or an FAV due to insufficient data. For these pollutants, the CS alone is the standard.

~~CC.~~ ~~DD.~~ "Toxic pollutant" has the meaning given it in part 7050.0185, subpart 2, item F.

~~EE.~~ "Toxic unit" means a measure of acute or chronic toxicity in an effluent. One acute toxic unit (TUa) is the reciprocal of the effluent concentration that causes 50 percent effect or mortality to organisms for acute exposures (100/LC50); one chronic toxic unit (TUc) is the reciprocal of the effluent concentration that causes no observable adverse effect level on test organisms for chronic exposures (100/NOAEL).

~~DD.~~ ~~FF.~~ "USEPA" means the United States Environmental Protection Agency.

~~EE.~~ ~~GG.~~ "Water quality characteristic" means a characteristic of natural waters, such as total hardness or pH. Some water quality characteristics can affect the toxicity of pollutants to aquatic organisms.

~~FF.~~ ~~HH.~~ "Whole effluent toxicity test" means the aggregate toxic effect of an effluent measured directly by a toxicity test. Effects on tested organisms are measured and expressed as toxic units or percent effluent for both acute and chronic whole effluent toxicity tests.

[For text of subs 4 to 9, see M.R.]

Subp. 10. **Applicable criteria.** The criterion for a pollutant includes: the CC, the MC, and the FAV. The criteria for toxic pollutants for surface waters are the lowest of the applicable criteria derived under this part.

[For text of items A and B, see M.R.]

C. In the site-specific application of criteria developed in this subpart to establish an effluent limitation for National Pollutant Discharge Elimination System and State Disposal System permits or to establish the degree of remedial action cleanup activities, the provisions of part ~~7050.0220~~ 7050.0222, subpart 3 ~~7~~, items ~~E B~~ to ~~H E~~ shall apply.

#### **7050.0220 SPECIFIC STANDARDS OF QUALITY AND PURITY FOR DESIGNATED BY ASSOCIATED USE CLASSES OF WATERS OF THE STATE.**

Subpart 1. **General.** The numerical and narrative water quality standards in ~~subparts 2 to 8~~ parts 7050.0221 to 7050.0227 prescribe

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the qualities or properties of the waters of the state that are necessary for the designated public uses and benefits. If the standards in this part are exceeded, it is considered indicative of a polluted condition which is actually or potentially deleterious, harmful, detrimental, or injurious with respect to designated uses or established classes of the waters of the state. The standards are listed for associated classes in tables under subparts 3 to 6:

- A. subpart 3, Classes 1B, 2A, 3A or 3B, 4A and 4B, and 5;
- B. subpart 4, Classes 1B or 1C, 2Bd, 3A or 3B, 4A and 4B, and 5;
- C. subpart 5, Classes 2B, 2C, or 2D; 3A, 3B, 3C, or 3D; 4A and 4B or 4C; and 5; and
- D. subpart 6, Classes 3C, 4A and 4B, 5, and 7.

Subp. 2. Explanation of tables. Class 1 standards listed in the tables in subparts 3 to 6 are the United States Environmental Protection Agency primary (maximum contaminant levels) and secondary drinking water standards, excluding the bacteriological, radiological, treatment technological, and water treatment additive standards.

The tables include the following abbreviations and acronyms:

- (c) means the chemical is assumed to be a human carcinogen
- CS or "chronic standard" means the highest water concentration of a toxicant to which organisms can be exposed indefinitely without causing chronic toxicity
- exp. () means the natural antilogarithm (base e) of the expression in parenthesis
- FAV or "final acute value" means an estimate of the concentration of a pollutant corresponding to the cumulative probability of 0.05 in the distribution of all the acute toxicity values for the genera or species from the acceptable acute toxicity tests conducted on a pollutant
- MS or "maximum standard" means the highest concentration of a toxicant in water to which aquatic organisms can be exposed for a brief time with zero to slight mortality. The MS equals the FAV divided by two
- (S) means the associated value is a secondary drinking water standard
- TH means total hardness in mg/l, which is the sum of the calcium and magnesium concentrations expressed as CaCO<sub>3</sub>
- TON means threshold odor number

For the FAV and MS values noted with an asterisk (\*), see part 7050.0222, subpart 7, item E.

Important synonyms or acronyms for some chemicals are listed in parentheses below the primary name. Standards that vary with total hardness or pH are in the form of formulas and are listed as numbered notes at the end of the tables.

When two or more use classes have standards for the same pollutant, the most stringent standard applies pursuant to part 7050.0450. All surface waters are protected for Class 6, but this class has no numerical standards so it is not included in the tables.

Subp. 3. Water quality standards applicable to use Classes 1B, 2A, 3A or 3B, 4A and 4B, and 5.

Subp. 3. Water quality standards applicable to use Classes 1B, 2A, 3A or 3B, 4A and 4B, and 5.

SUBSTANCE OR CHARACTERISTIC	UNITS	STANDARDS FOR USE CLASSES							
		2A CHRONIC	2A MAXIMUM	2A FAV	1B DRINKING WATER	3A/3B INDUST. CONSUMPT.	4A IRRIGA- TION	4B LIVESTOCK	5 AESTHETIC
<b>MISCELLANEOUS</b>									
Ammonia, un-ionized as N	ug/l	16	none	none					
Asbestos, >10 um (c)	fibers/l				7.0e+06				
Bicarbonates (HCO3)	meq/l					5			
Chloride	mg/l	230	860	1720	250(S)	50/100			
Chlorine, total residual	ug/l	6	19	38					
Color	Pt-Co	30	none	none	15(S)				
Cyanide, free	ug/l	5.2	22	45					
Cyanide, total	ug/l				200				
Dissolved oxygen	mg/l	7 as a daily minimum							
Fecal coliform organisms		See note No. 1 below							
Fluoride	mg/l				4				
Fluoride	mg/l				2(S)				
Foaming agents	mg/l				500(S)				
Hardness, Ca+Mg as CaCO3	mg/l					50/250			
Hydrogen sulfide	mg/l							0.02	
Nitrate, as N	mg/l				10				
Nitrite, as N	mg/l				1				
Nitrate + Nitrite, as N	mg/l				10				
Odor	TON				3(S)				
Oil	ug/l	500	5000	10000					
pH	low	6.5	none	none	6.5(S)	6.5/6.0	6.0	6.0	6.0
	high	8.5	none	none	8.5(S)	8.5/9.0	8.5	9.0	9.0
Radioactive materials		See note No. 2 below							
Salinity, total	mg/l							1000	
Sodium	meq/l					60% of total			

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Subp. 3. Water quality standards applicable to use Classes 1B, 2A, 3A or 3B, 4A and 4B, and 5.

Water quality standards applicable to use Classes 1B, 2A, 3A or 3B, 4A and 4B, and 5 continued.

SUBSTANCE OR CHARACTERISTIC	UNITS	STANDARDS FOR USE CLASSES						
		2A CHRONIC	2A MAXIMUM	2A FAV	1B DRINKING WATER	3A/3B INDUST. CONSUMPT.	4A IRRIGA- TION	4B LIVESTOCK
<b>MISCELLANEOUS continued</b>								
Sulfate	mg/l				250(S)			
Sulfates, wild rice present	mg/l					10		
Specific conductance	umhos/cm					1000		
Temperature	F	no material increase						
Total dissolved salts	mg/l					700		
Total dissolved solids	mg/l				500(S)			
Turbidity	NTUs	10	none	none	1-5			
<b>METALS AND ELEMENTS</b>								
Aluminum	ug/l	87	748	1496	50-200(S)			
Antimony	ug/l	5.5	90	180	6			
Arsenic	ug/l	2.0	360	720	50			
Barium	ug/l				2000			
Beryllium	ug/l				4.0			
Boron	ug/l					500		
Cadmium	ug/l	See note No. 3 below			5			
Chromium, +3	ug/l	See note No. 4 below						
Chromium, +6	ug/l	11	16	32				
Chromium, total	ug/l				100			
Cobalt	ug/l	2.8	436	872				
Copper	ug/l	See note No. 5 below			1000(S)			
Iron.	ug/l	221	243	485	300(S)			
Lead	ug/l	See note No. 6 below						
Manganese	ug/l	138	4643	9285	50(S)			
Mercury	ug/l	0.0069	2.4*	4.9*	2			
Nickel	ug/l	See note No. 7 below			100			

Subp. 3. Water quality standards applicable to use Classes 1B, 2A, 3A or 3B, 4A and 4B, and 5.

Water quality standards applicable to use Classes 1B, 2A, 3A or 3B, 4A and 4B, and 5 continued.

SUBSTANCE OR CHARACTERISTIC	UNITS	STANDARDS FOR USE CLASSES						
		2A CHRONIC	2A MAXIMUM	2A FAV	1B DRINKING WATER	3A/3B INDUST. CONSUMPT.	4A IRRIGA- TION	4B LIVESTOCK
<b>METALS AND ELEMENTS continued</b>								
Selenium	ug/l	5.0	20	40	50			
Silver	ug/l	0.12	see note No. 8 below		100(S)			
Thallium	ug/l	0.28	64	128	2			
Zinc	ug/l	See note No. 9 below			5000(S)			
<b>ORGANICS</b>								
Acenaphthene	ug/l	12	41	81				
Acrylonitrile (c)	ug/l	0.38	1140*	2281*				
Alachlor (c)	ug/l	3.8	800	1600	2			
Aldicarb	ug/l				3			
Aldicarb sulfone	ug/l				2			
Aldicarb sulfoxide	ug/l				4			
Anthracene	ug/l	0.029	0.78	1.6				
Atrazine (c)	ug/l	3.4	323	645	3			
Benzene (c)	ug/l	9.7	4487*	8974*	5			
Benzo(a)pyrene	ug/l				0.2			
Bromoform	ug/l	33	2900	5800				
Carbofuran	ug/l				40			
Carbon tetrachloride (c)	ug/l	1.9	1750*	3500*	5			
Chlordane (c)	ug/l	0.000073	1.2*	2.4*	2			
Chlorobenzene (Monochlorobenzene)	ug/l	10	423	846	100			
Chloroform (c)	ug/l	49	2235	4471				
Chlorpyrifos	ug/l	0.041	0.083	0.17				
Dalapon	ug/l				200			
DDT (c)	ug/l	0.00011	0.55*	1.1*				
1,2-Dibromo-3-chloropropane (c)	ug/l				0.2			

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Subp. 3. Water quality standards applicable to use Classes 1B, 2A, 3A or 3B, 4A and 4B, and 5.

Water quality standards applicable to use Classes 1B, 2A, 3A or 3B, 4A and 4B, and 5 continued.

SUBSTANCE OR CHARACTERISTIC	UNITS	STANDARDS FOR USE CLASSES						
		2A CHRONIC	2A MAXIMUM	2A FAV	1B DRINKING WATER	3A/3B INDUST. CONSUMPT.	4A IRRIGA- TION	4B LIVESTOCK
ORGANICS continued								
Dichlorobenzene (ortho)	ug/l				600			
1,4-Dichlorobenzene (para) (c)	ug/l				75			
1,2-Dichloroethane (c)	ug/l	3.5	45050*	90100*	5			
1,1-Dichloroethylene	ug/l				7			
1,2-Dichloroethylene (cis)	ug/l				70			
1,2-Dichloroethylene (trans)	ug/l				100			
2,4-Dichlorophenoxyacetic acid (2,4-D)	ug/l				70			
1,2-Dichloropropane (c)	ug/l				5			
Dieldrin (c)	ug/l	6.5e-06	1.3*	2.5*				
Di-2-ethylhexyl adipate	ug/l				400			
Di-2-ethylhexyl phthalate (c)	ug/l	1.9	none	none	6			
Di-n-Octyl phthalate	ug/l	30	825	1650				
Dinoseb	ug/l				7			
Diquat	ug/l				20			
Endosulfan	ug/l	0.0076	0.084	0.17				
Endothall	ug/l				100			
Endrin	ug/l	0.0039	0.090	0.18	2			
Ethylbenzene (c)	ug/l	68	1859	3717	700			
Ethylene dibromide	ug/l				0.05			
Fluoranthene	ug/l	7.1	199	398				
Glyphosate	ug/l				700			
Heptachlor (c)	ug/l	0.00010	0.26*	0.52*	0.4			
Heptachlor epoxide (c)	ug/l	0.00012	0.27*	0.53*	0.2			
Hexachlorobenzene (c)	ug/l	0.000061	none	none	1			
Hexachlorocyclopentadiene	ug/l				50			
Hexachlorocyclopentadiene	ug/l				8(S)			

Subp. 3. Water quality standards applicable to use Classes 1B, 2A, 3A or 3B, 4A and 4B, and 5.

Water quality standards applicable to use Classes 1B, 2A, 3A or 3B, 4A and 4B, and 5 continued.

SUBSTANCE OR CHARACTERISTIC	UNITS	STANDARDS FOR USE CLASSES						
		2A CHRONIC	2A MAXIMUM	2A FAV	1B DRINKING WATER	3A/3B INDUST. CONSUMPT.	4A IRRIGA- TION	4B LIVESTOCK
ORGANICS continued								
Lindane (c) (Hexachlorocyclohexane, gamma-)	ug/l	0.0087	1.0*	2.0*	0.2			
Methoxychlor	ug/l				40			
Methylene chloride (c) (Dichloromethane)	ug/l	45	9600*	19200*	5			
Oxamyl (Vydate)	ug/l				200			
Naphthalene	ug/l	81	409	818				
Parathion	ug/l	0.013	0.07	0.13				
Pentachlorophenol	ug/l	0.93	See note No. 10 below		1			
Phenanthrene	ug/l	2.1	29	58				
Phenol	ug/l	123	2214	4428				
Picloram	ug/l				500			
Polychlorinated biphenyls (c) (PCBs, total)	ug/l	0.000014	1.0*	2.0*	0.5			
Simazine	ug/l				4			
Styrene (c)	ug/l				100			
2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD-dioxin)	pg/l				30			
1,1,2,2-Tetrachloroethane (c)	ug/l	1.1	1127*	2253*				
Tetrachloroethylene (c)	ug/l	3.8	428*	857*	5			
Toluene	ug/l	253	1352	2703	1000			
Toxaphene (c)	ug/l	0.00031	0.73*	1.5*	3			
2,4,5-TP (Silvex)	ug/l				50			
1,2,4-Trichlorobenzene	ug/l				70			
1,1,1-Trichloroethane	ug/l	263	2628	5256	200			
1,1,2-Trichloroethane	ug/l				5			

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Water quality standards applicable to use Classes 1B, 2A, 3A or 3B, 4A and 4B, and 5 continued.

SUBSTANCE OR CHARACTERISTIC	UNITS	STANDARDS FOR USE CLASSES						
		2A CHRONIC	2A MAXIMUM	2A FAV	1B DRINKING WATER	3A/3B INDUST. CONSUMPT.	4A IRRIGA- TION	4B LIVESTOCK
ORGANICS continued								
1,1,2-Trichloroethylene (c)	ug/l	25	6988*	13976*	5			
2,4,6-Trichlorophenol	ug/l	2.0	102	203				
Trihalomethanes, total (c)	ug/l				100			
(Bromodichloromethane)								
(Bromoform)								
(Chlorodibromomethane)								
(Chloroform)								
Vinyl chloride (c)	ug/l	0.17	none	none	2			
Xylenes, total	ug/l	166	1407	2814	10000			

Note No. 1, FECAL COLIFORM ORGANISMS

Not to exceed 200 organisms per 100 milliliters as a geometric mean of not less than five samples in any calendar month, nor shall more than ten percent of all samples taken during any calendar month individually exceed 400 organisms per 100 milliliters. The standard applies only between March 1 and October 31.

Note No. 2, RADIOACTIVE MATERIALS

See parts 7050.0221, subparts 2, 3, 4, and 5; 7050.0222, subparts 4, 5, and 6; 7050.0224, subparts 2, 3 and 4.

STANDARDS THAT VARY WITH TOTAL HARDNESS (TH)

EXAMPLE STANDARDS AT TH OF:

	50	100	200	300	400
Note No. 3, CADMIUM					
CS = exp.(0.7852[ln (TH mg/l)]-3.49)	0.66	1.1	2.0	2.7	3.4
MS = exp.(1.128[ln (TH mg/l)]-3.828)	1.8	3.9	8.6	14	19
FAV = exp.(1.128[ln (TH mg/l)]-3.1349)	3.6	7.8	17	27	37

Water quality standards applicable to use Classes 1B, 2A, 3A or 3B, 4A and 4B, and 5 continued.

STANDARDS THAT VARY WITH TOTAL HARDNESS (TH)	EXAMPLE STANDARDS AT TH OF:				
	50	100	200	300	400
<b>Note No. 4, CHROMIUM +3</b>					
CS = exp.(0.819[ln (TH mg/l)]+1.561)	117	207	365	509	644
MS = exp.(0.819[ln (TH mg/l)]+3.688)	984	1737	3064	4270	5405
FAV = exp.(0.819[ln (TH mg/l)]+4.380)	1966	3469	6120	8530	10797
<b>Note No. 5, COPPER</b>					
CS = exp.(0.62[ln (TH mg/l)]-0.57)	6.4	9.8	15	19	23
MS = exp.(0.9422[ln (TH mg/l)]-1.464)	9.2	18	34	50	65
FAV = exp.(0.9422[ln (TH mg/l)]-0.7703)	18	35	68	100	131
<b>Note No. 6, LEAD</b>					
CS = exp.(1.273[ln (TH mg/l)]-4.705)	1.3	3.2	7.7	13	19
MS = exp.(1.273[ln (TH mg/l)]-1.460)	34	82	197	331	477
FAV = exp.(1.273[ln (TH mg/l)]-0.7643)	68	164	396	663	956
<b>Note No. 7, NICKEL</b>					
CS = exp.(0.846[ln (TH mg/l)]+1.1645)	88	158	283	297	297
Not to exceed 297 ug/l					
MS = exp.(0.846[ln (TH mg/l)]+3.3612)	789	1418	2549	3592	4582
FAV = exp.(0.846[ln (TH mg/l)]+4.0543)	1578	2836	5098	7185	9164
<b>Note No. 8, SILVER</b>					
MS = exp.(1.72[ln (TH mg/l)]-7.2156)	0.61	2.0	6.7	13	22
FAV = exp.(1.72[ln (TH mg/l)]-6.52)	1.2	4.1	13	27	44
<b>Note No. 9, ZINC</b>					
CS = exp.(0.8473[ln (TH mg/l)]+0.7615)	59	106	191	269	343
MS = exp.(0.8473[ln (TH mg/l)]+0.8604)	65	117	211	297	379
FAV = exp.(0.8473[ln (TH mg/l)]+1.5536)	130	234	421	594	758
<b>STANDARD THAT VARIES WITH pH</b>					
	6.5	7.0	7.5	8.0	8.5
<b>Note No. 10, PENTACHLOROPHENOL</b>					
MS = exp.(1.005(pH)-4.830)	5.5	9.1	15	25	41
FAV = exp.(1.005(pH)-4.1373)	11	18	30	50	82

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Subp. 4. Water quality standards applicable to use Classes 1B or 1C, 2Bd, 3A or 3B, 4A and 4B, and 5.

Subp. 4. Water quality standards applicable to use Classes 1B or 1C, 2Bd, 3A or 3B, 4A and 4B, and 5.

SUBSTANCE OR CHARACTERISTIC	UNITS	STANDARDS FOR USE CLASSES							
		2Bd CHRONIC	2Bd MAXIMUM	2Bd FAV	1B/1C DRINKING WATER	3A/3B INDUST. CONSUMPT.	4A IRRIGA- TION	4B LIVESTOCK	5 AESTHETIC
<b>MISCELLANEOUS</b>									
Ammonia, un-ionized as N	ug/l	40	none	none					
Asbestos, >10 um (c)	fibers/l				7.0e+06				
Bicarbonates (HCO3)	meq/l						5		
Chloride	mg/l	230	860	1720	250(S)	50/100			
Chlorine, total residual	ug/l	6	19	38					
Color	Pt-Co				15(S)				
Cyanide, free	ug/l	5.2	22	45					
Cyanide, total	ug/l				200				
Dissolved oxygen	mg/l	5 as a daily minimum							
Fecal coliform organisms		See note No. 1 below							
Fluoride	mg/l				4				
Fluoride	mg/l				2(S)				
Foaming agents	mg/l				500(S)				
Hardness, Ca+Mg as CaCO3	mg/l					50/250			
Hydrogen sulfide	mg/l							0.02	
Nitrate, as N	mg/l				10				
Nitrite, as N	mg/l				1				
Nitrate + Nitrite, as N	mg/l				10				
Odor	TON				3(S)				
Oil	ug/l	500	5000	10000					
pH	low	6.5	none	none	6.5(S)	6.5/6.0	6.0	6.0	6.0
	high	9.0	none	none	8.5(S)	8.5/9.0	8.5	9.0	9.0
Radioactive materials		See note No. 2 below							
Salinity, total	mg/l							1000	
Sodium	meq/l						60% of total cations		

Subp. 4. Water quality standards applicable to use Classes 1B or 1C, 2Bd, 3A or 3B, 4A and 4B, and 5.

Water quality standards applicable to use Classes 1B or 1C, 2Bd, 3A or 3B, 4A and 4B, and 5 continued.

SUBSTANCE OR CHARACTERISTIC	UNITS	STANDARDS FOR USE CLASSES						
		2Bd CHRONIC	2Bd MAXIMUM	2Bd FAV	1B/1C DRINKING WATER	3A/3B INDUST. CONSUMPT.	4A IRRIGA- TION	4B LIVESTOCK
MISCELLANEOUS continued								
Sulfate	mg/l				250(S)			
Sulfates, wild rice present	mg/l					10		
Specific conductance	umhos/cm					1000		
Temperature	F	See note No. 3 below						
Total dissolved salts	mg/l					700		
Total dissolved solids	mg/l				500(S)			
Turbidity	NTUs	25	none	none	1-5/25			
METALS AND ELEMENTS								
Aluminum	ug/l	125	1072	2145	50-200(S)			
Antimony	ug/l	5.5	90	180	6			
Arsenic	ug/l	2.0	360	720	50			
Barium	ug/l				2000			
Beryllium	ug/l				4.0			
Boron	ug/l					500		
Cadmium	ug/l	See note No. 4 below			5			
Chromium, +3	ug/l	See note No. 5 below						
Chromium, +6	ug/l	11	16	32				
Chromium, total	ug/l				100			
Cobalt	ug/l	2.8	436	872				
Copper	ug/l	See note No. 6 below			1000(S)			
Iron	ug/l	1245	1363	2726	300(S)			
Lead	ug/l	See note No. 7 below						
Manganese	ug/l	138	4643	9285	50(S)			
Mercury	ug/l	0.0069	2.4*	4.9*	2			
Nickel	ug/l	See note No. 8 below			100			

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Water quality standards applicable to use Classes 1B or 1C, 2Bd, 3A or 3B, 4A and 4B, and 5 continued.

SUBSTANCE OR CHARACTERISTIC	UNITS	STANDARDS FOR USE CLASSES						
		2Bd CHRONIC	2Bd MAXIMUM	2Bd FAV	1B/1C DRINKING WATER	3A/3B INDUST. CONSUMPT.	4A IRRIGA- TION	4B LIVESTOCK
<b>METALS AND ELEMENTS continued</b>								
Selenium	ug/l	5.0	20	40	50			
Silver	ug/l	1.0	See note No. 9 below		100(S)			
Thallium	ug/l	0.28	64	128	2			
Zinc	ug/l	See note No. 10 below			5000(S)			
<b>ORGANICS</b>								
Acenaphthene	ug/l	12	41	81				
Acrylonitrile (c)	ug/l	0.38	1140*	2281*				
Alachlor (c)	ug/l	4.2	800	1600	2			
Aldicarb	ug/l				3			
Aldicarb sulfone	ug/l				2			
Aldicarb sulfoxide	ug/l				4			
Anthracene	ug/l	0.029	0.78	1.6				
Atrazine (c)	ug/l	3.4	323	645	3			
Benzene (c)	ug/l	11	4487*	8974*	5			
Benzo(a)pyrene	ug/l				0.2			
Bromoform	ug/l	41	2900	5800				
Carbofuran	ug/l				40			
Carbon tetrachloride (c)	ug/l	1.9	1750*	3500*	5			
Chlordane (c)	ug/l	0.00029	1.2*	2.4*	2			
Chlorobenzene (Monochlorobenzene)	ug/l	10	423	846	100			
Chloroform (c)	ug/l	55	2235	4471				
Chlorpyrifos	ug/l	0.041	0.083	0.17				
Dalapon	ug/l				200			
DDT (c)	ug/l	0.0017	0.55*	1.1*				
1,2-Dibromo-3-chloropropane (c)	ug/l				0.2			

Subp. 4. Water quality standards applicable to use Classes 1B or 1C, 2Bd, 3A or 3B, 4A and 4B, and 5.

Water quality standards applicable to use Classes 1B or 1C, 2Bd, 3A or 3B, 4A and 4B, and 5 continued.

SUBSTANCE OR CHARACTERISTIC	UNITS	STANDARDS FOR USE CLASSES						
		2Bd CHRONIC	2Bd MAXIMUM	2Bd FAV	1B/1C DRINKING WATER	3A/3B INDUST. CONSUMPT.	4A IRRIGA- TION	4B LIVESTOCK
ORGANICS continued								
Dichlorobenzene (ortho)	ug/l				600			
1,4-Dichlorobenzene (para) (c)	ug/l				75			
1,2-Dichloroethane (c)	ug/l	3.8	45050*	90100*	5			
1,1-Dichloroethylene	ug/l				7			
1,2-Dichloroethylene (cis)	ug/l				70			
1,2-Dichloroethylene (trans)	ug/l				100			
2,4-Dichlorophenoxyacetic acid (2,4-D)	ug/l				70			
1,2-Dichloropropane (c)	ug/l				5			
Dieldrin (c)	ug/l	0.000026	1.3*	2.5*				
Di-2-ethylhexyl adipate	ug/l				400			
Di-2-ethylhexyl phthalate (c)	ug/l	1.9	none	none	6			
Di-n-Octyl phthalate	ug/l	30	825	1650				
Dinoseb	ug/l				7			
Diquat	ug/l				20			
Endosulfan	ug/l	0.029	0.28	0.56				
Endothall	ug/l				100			
Endrin	ug/l	0.016	0.090	0.18	2			
Ethylbenzene (c)	ug/l	68	1859	3717	700			
Ethylene dibromide	ug/l				0.05			
Fluoranthene	ug/l	20	199	398				
Glyphosate	ug/l				700			
Heptachlor (c)	ug/l	0.00039	0.26*	0.52*	0.4			
Heptachlor epoxide (c)	ug/l	0.00048	0.27*	0.53*	0.2			
Hexachlorobenzene (c)	ug/l	0.00024	none	none	1			
Hexachlorocyclopentadiene	ug/l				50			
Hexachlorocyclopentadiene	ug/l				8(S)			

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Water quality standards applicable to use Classes 1B or 1C, 2Bd, 3A or 3B, 4A and 4B, and 5 continued.

SUBSTANCE OR CHARACTERISTIC	UNITS	STANDARDS FOR USE CLASSES						
		2Bd CHRONIC	2Bd MAXIMUM	2Bd FAV	1B/1C DRINKING WATER	3A/3B INDUST. CONSUMPT.	4A IRRIGA- TION	4B LIVESTOCK
ORGANICS continued								
Lindane (c) (Hexachlorocyclohexane, gamma-)	ug/l	0.032	4.4*	8.8*	0.2			
Methoxychlor	ug/l				40			
Methylene chloride (c) (Dichloromethane)	ug/l	46	9600*	19200*	5			
Oxamyl (Vydate)	ug/l				200			
Naphthalene	ug/l	81	409	818				
Parathion	ug/l	0.013	0.07	0.13				
Pentachlorophenol	ug/l	1.9	See note	No. 11 below	1			
Phenanthrene	ug/l	2.1	29	58				
Phenol	ug/l	123	2214	4428				
Picloram	ug/l				500			
Polychlorinated biphenyls (c) (PCBs, total)	ug/l	0.000029	1.0*	2.0*	0.5			
Simazine	ug/l				4			
Styrene (c)	ug/l				100			
2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD-dioxin)	pg/l				30			
1,1,2,2-Tetrachloroethane (c)	ug/l	1.5	1127*	2253*				
Tetrachloroethylene (c)	ug/l	3.8	428*	857*	5			
Toluene	ug/l	253	1352	2703	1000			
Toxaphene (c)	ug/l	0.0013	0.73*	1.5*	3			
2,4,5-TP (Silvex)	ug/l				50			
1,2,4-Trichlorobenzene	ug/l				70			
1,1,1-Trichloroethane	ug/l	263	2628	5256	200			
1,1,2-Trichloroethane	ug/l				5			

Water quality standards applicable to use Classes 1B or 1C, 2Bd, 3A or 3B, 4A and 4B, and 5 continued.

SUBSTANCE OR CHARACTERISTIC	UNITS	STANDARDS FOR USE CLASSES						
		2Bd CHRONIC	2Bd MAXIMUM	2Bd FAV	1B/1C DRINKING WATER	3A/3B INDUST. CONSUMPT.	4A IRRIGA- TION	4B LIVESTOCK
ORGANICS continued								
1,1,2-Trichloroethylene (c)	ug/l	25	6988*	13976*	5			
2,4,6-Trichlorophenol	ug/l	2.0	102	203				
Trihalomethanes, total (c)	ug/l				100			
(Bromodichloromethane)								
(Bromoform)								
(Chlorodibromomethane)								
(Chloroform)								
Vinyl chloride (c)	ug/l	0.18	none	none	2			
Xylenes, total	ug/l	166	1407	2814	10000			

Note No. 1, FECAL COLIFORM ORGANISMS

Not to exceed 200 organisms per 100 milliliters as a geometric mean of not less than five samples in any calendar month, nor shall more than ten percent of all samples taken during any calendar month individually exceed 2000 organisms per 100 milliliters.

The standard applies only between March 1 and October 31.

Note No. 2, RADIOACTIVE MATERIALS

See parts 7050.0221, subparts 2, 3, 4, and 5; 7050.0222, subparts 4, 5, and 6; 7050.0224, subparts 2, 3, and 4.

Note No. 3, TEMPERATURE

5 Degrees F above natural in streams and 3 degrees F above natural in lakes, based on monthly average of maximum daily temperature, except in no case shall it exceed the daily average temperature of 86 degrees F.

STANDARDS THAT VARY WITH TOTAL HARDNESS (TH)

EXAMPLE STANDARDS AT TH OF:

	50	100	200	300	400
Note No. 4, CADMIUM					
CS = exp.(0.7852[ln (TH mg/l)]-3.49)	0.66	1.1	2.0	2.7	3.4
MS = exp.(1.128[ln (TH mg/l)]-1.685)	15	33	73	116	160
FAV = exp.(1.128[ln (TH mg/l)]-0.9919)	31	67	146	231	319

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Water quality standards applicable to use Classes 1B or 1C, 2Bd, 3A or 3B, 4A and 4B, and 5 continued.

STANDARDS THAT VARY WITH TOTAL HARDNESS (TH)	EXAMPLE STANDARDS AT TH OF:				
	50	100	200	300	400
<b>Note No. 5, CHROMIUM +3</b>					
CS = exp.(0.819[ln (TH mg/l)]+1.561)	117	207	365	509	644
MS = exp.(0.819[ln (TH mg/l)]+3.688)	984	1737	3064	4270	5405
FAV = exp.(0.819[ln (TH mg/l)]+4.380)	1966	3469	6120	8530	10797
<b>Note No. 6, COPPER</b>					
CS = exp.(0.62[ln (TH mg/l)]-0.57)	6.4	9.8	15	19	23
MS = exp.(0.9422[ln (TH mg/l)]-1.464)	9.2	18	34	50	65
FAV = exp.(0.9422[ln (TH mg/l)]-0.7703)	18	35	68	100	131
<b>Note No. 7, LEAD</b>					
CS = exp.(1.273[ln (TH mg/l)]-4.705)	1.3	3.2	7.7	13	19
MS = exp.(1.273[ln (TH mg/l)]-1.460)	34	82	197	331	477
FAV = exp.(1.273[ln (TH mg/l)]-0.7643)	68	164	396	663	956
<b>Note No. 8, NICKEL</b>					
CS = exp.(0.846[ln (TH mg/l)]+1.1645) not to exceed 297 ug/l	88	158	283	297	297
MS = exp.(0.846[ln (TH mg/l)]+3.3612)	789	1418	2549	3592	4582
FAV = exp.(0.846[ln (TH mg/l)]+4.0543)	1578	2836	5098	7185	9164
<b>Note No. 9, SILVER</b>					
MS = exp.(1.72[ln (TH mg/l)]-7.2156)	1.0	2.0	6.7	13	22
FAV = exp.(1.72[ln (TH mg/l)]-6.52)	1.2	4.1	13	27	44
The MS and FAV shall be no less than 1.0 ug/l					
<b>Note No. 10, ZINC</b>					
CS = exp.(0.8473[ln (TH mg/l)]+0.7615)	59	106	191	269	343
MS = exp.(0.8473[ln (TH mg/l)]+0.8604)	65	117	211	297	379
FAV = exp.(0.8473[ln (TH mg/l)]+1.5536)	130	234	421	594	758
<b>STANDARD THAT VARIES WITH pH</b>					
	6.5	7.0	7.5	8.0	8.5
<b>Note No. 11, PENTACHLOROPHENOL</b>					
MS = exp.(1.005(pH)-4.830)	5.5	9.1	15	25	41
FAV = exp.(1.005(pH)-4.1373)	11	18	30	50	82

Subp. 5. Water quality standards applicable to use Classes 2B, 2C, or 2D; 3A, 3B, 3C, or 3D; 4A and 4B or 4C; and 5. See note No. 1 below.

Subp. 5. Water quality standards applicable to use Classes 2B, 2C or 2D; 3A, 3B, 3C or 3D; 4A and 4B or 4C; and 5. See note No. 1 below

SUBSTANCE OR CHARACTERISTIC	UNITS	STANDARDS FOR USE CLASSES						
		2B,C&D CHRONIC	2B,C&D MAXIMUM	2B,C&D FAV	3A/3B/3C INDUST. CONSUMPT.	4A IRRIGA- TION	4B LIVESTOCK	5 AESTHETIC
<b>MISCELLANEOUS</b>								
Ammonia, un-ionized as N	ug/l	40	none	none				
Bicarbonates (HCO <sub>3</sub> )	meq/l					5		
Chloride	mg/l	230	860	1720	50/100/250			
Chlorine, total residual	ug/l	6	19	38				
Cyanide, free	ug/l	5.2	22	45				
Dissolved oxygen	mg/l	5 as a daily minimum, see note No. 2 below						
Fecal coliform organisms		See note No. 3 below						
Hardness, Ca+Mg as CaCO <sub>3</sub>	mg/l				50/250/500			
Hydrogen sulfide	mg/l							0.02
Oil	ug/l	500	5000	10000				
pH	low	6.5, see note No. 4 below			6.5/6.0/6.0	6.0	6.0	6.0
	high	9.0, see note No. 4 below			8.5/9.0/9.0	8.5	9.0	9.0
Radioactive materials		See note No. 5 below						
Salinity, total	mg/l						1000	
Sodium	meq/l					60% of total cations		
Sulfates, wild rice present	mg/l					10		
Specific conductance	umhos/cm					1000		
Temperature	F	See note No. 6 below						
Total dissolved salts	mg/l					700		
Turbidity	NTUs	25	none	none				

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# Proposed Rules

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Subp. 5. Water quality standards applicable to use Classes 2B, 2C, or 2D; 3A, 3B, 3C, or 3D; 4A and 4B or 4C; and 5. See note No. 1 below.

Water quality standards applicable to use Classes 2B, 2C or 2D; 3A, 3B, 3C or 3D; 4A and 4B or 4C; and 5 continued.  
See note No. 1 below

SUBSTANCE OR CHARACTERISTIC	UNITS	STANDARDS FOR USE CLASSES					
		2B,C&D CHRONIC	2B,C&D MAXIMUM	2B,C&D FAV	3A/3B/3C INDUST. CONSUMPT.	4A IRRIGA- TION	4B LIVESTOCK
<b>METALS AND ELEMENTS</b>							
Aluminum	ug/l	125	1072	2145			
Antimony	ug/l	31	90	180			
Arsenic	ug/l	53	360	720			
Boron	ug/l					500	
Cadmium	ug/l	See note No. 7 below					
Chromium, +3	ug/l	See note No. 8 below					
Chromium, +6	ug/l	11	16	32			
Cobalt	ug/l	5.0	436	872			
Copper	ug/l	See note No. 9 below					
Iron	ug/l	1245	1363	2726			
Lead	ug/l	See note No. 10 below					
Manganese	ug/l	491	4643	9285			
Mercury	ug/l	0.0069	2.4*	4.9*			
Nickel	ug/l	See note No. 11 below					
Selenium	ug/l	5.0	20	40			
Silver	ug/l	1.0	See note No. 12 below				
Thallium	ug/l	0.56	64	128			
Zinc	ug/l	See note No. 13 below					

Subp. 5. Water quality standards applicable to use Classes 2B, 2C, or 2D; 3A, 3B, 3C, or 3D; 4A and 4B or 4C; and 5. See note No. 1 below.

Water quality standards applicable to use Classes 2B, 2C or 2D; 3A, 3B, 3C or 3D; 4A and 4B or 4C; and 5 continued. See note No. 1 below

SUBSTANCE OR CHARACTERISTIC	UNITS	STANDARDS FOR USE CLASSES					
		2B,C&D CHRONIC	2B,C&D MAXIMUM	2B,C&D FAV	3A/3B/3C INDUST. CONSUMPT.	4A IRRIGA- TION	4B LIVESTOCK
<b>ORGANICS</b>							
Acenaphthene	ug/l	12	41	81			
Acrylonitrile (c)	ug/l	0.89	1140*	2281*			
Alachlor	ug/l	59	800	1600			
Anthracene	ug/l	0.029	0.78	1.6			
Atrazine	ug/l	10	323	645			
Benzene	ug/l	114	4487	8974			
Bromoform	ug/l	466	2900	5800			
Carbon tetrachloride (c)	ug/l	5.9	1750*	3500*			
Chlordane (c)	ug/l	0.00029	1.2*	2.4*			
Chlorobenzene (Monochlorobenzene)	ug/l	10	423	846			
Chloroform	ug/l	224	2235	4471			
Chlorpyrifos	ug/l	0.041	0.083	0.17			
DDT (c)	ug/l	0.0017	0.55*	1.1*			
1,2-Dichloroethane (c)	ug/l	190	45050*	90100*			
Dieldrin (c)	ug/l	0.000026	1.3*	2.5*			
Di-2-ethylhexyl phthalate (c)	ug/l	2.1	none	none			
Di-n-Octyl phthalate	ug/l	30	825	1650			
Endosulfan	ug/l	0.031	0.28	0.56			
Endrin	ug/l	0.016	0.090	0.18			
Ethylbenzene (c)	ug/l	68	1859	3717			
Fluoranthene	ug/l	20	199	398			

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# Proposed Rules

Subp. 5. Water quality standards applicable to use Classes 2B, 2C, or 2D; 3A, 3B, 3C, or 3D; 4A and 4B or 4C; and 5. See note No. 1 below.

Water quality standards applicable to use Classes 2B, 2C or 2D; 3A, 3B, 3C or 3D; 4A and 4B or 4C; and 5 continued.  
See note No. 1 below

SUBSTANCE OR CHARACTERISTIC	UNITS	STANDARDS FOR USE CLASSES					
		2B,C&D CHRONIC	2B,C&D MAXIMUM	2B,C&D FAV	3A/3B/3C INDUST. CONSUMPT.	4A IRRIGA- TION	4B LIVESTOCK
ORGANICS continued							
Heptachlor (c)	ug/l	0.00039	0.26*	0.52*			
Heptachlor epoxide (c)	ug/l	0.00048	0.27*	0.53*			
Hexachlorobenzene (c)	ug/l	0.00024	none	none			
Lindane (c)	ug/l	0.036	4.4*	8.8*			
(Hexachlorocyclohexane, gamma-)							
Methylene chloride	ug/l	1561	9600	19200			
(Dichloromethane)							
Naphthalene	ug/l	81	409	818			
Parathion	ug/l	0.013	0.07	0.13			
Pentachlorophenol	ug/l	See note No. 14 below					
Phenanthrene	ug/l	2.1	29	58			
Phenol	ug/l	123	2214	4428			
Polychlorinated biphenyls (c)	ug/l	0.000029	1.0*	2.0*			
(PCBs, total)							
1,1,2,2-Tetrachloroethane (c)	ug/l	13	1127	2253			
Tetrachloroethylene (c)	ug/l	8.9	428	857			
Toluene	ug/l	253	1352	2703			
Toxaphene (c)	ug/l	0.0013	0.73*	1.5*			
1,1,1-Trichloroethane	ug/l	263	2628	5256			
1,1,2-Trichloroethylene (c)	ug/l	120	6988	13976			
2,4,6-Trichlorophenol	ug/l	2.0	102	203			
Vinyl chloride (c)	ug/l	9.2	none	none			
Xylenes, total	ug/l	166	1407	2814			

Subp. 5. Water quality standards applicable to use Classes 2B, 2C, or 2D; 3A, 3B, 3C, or 3D; 4A and 4B or 4C; and 5. See note No. 1 below.

Water quality standards applicable to use Classes 2B, 2C or 2D; 3A, 3B, 3C or 3D; 4A and 4B or 4C; and 5 continued.  
See note No. 1 below

Note No. 1, CLASS 3D, 4C AND 5 STANDARDS, applicable to wetlands

In general, if Class 3, 4 or 5 standards are exceeded, background conditions shall be maintained.  
See parts 7050.0223, subpart 5; 7050.0224, subpart 4; and 7050.0225, subpart 2.

Note No. 2, DISSOLVED OXYGEN

See part 7050.0224, subparts 4 and 5 for site specific Dissolved Oxygen standards.  
Class 2D standard: If background is less than 5 mg/l, as a daily minimum, maintain background.

Note No. 3, FECAL COLIFORM ORGANISMS

Not to exceed 200 organisms per 100 milliliters as a geometric mean of not less than five samples in any calendar month, nor shall more than ten percent of all samples taken during any calendar month individually exceed 2000 organisms per 100 milliliters.

The standard applies only between March 1 and October 31.

Note No. 4, PH

Class 2D standard: Maintain background.

Note No. 5, RADIOACTIVE MATERIALS

See parts 7050.0222, subparts 4, 5 and 6; and 7050.0224, subparts 2, 3 and 4.

Note No. 6, TEMPERATURE

Class 2B standard: 5 Degrees F above natural in streams and 3 degrees F above natural in lakes, based on monthly average of maximum daily temperature, except in no case shall it exceed the daily average temperature of 86 degrees F.  
Class 2C standard: 5 Degrees F above natural in streams and 3 degrees F above natural in lakes, based on monthly average of maximum daily temperature, except in no case shall it exceed the daily average temperature of 90 degrees F.  
Class 2D standard: Maintain background

**STANDARDS THAT VARY WITH TOTAL HARDNESS (TH)**

**EXAMPLE STANDARDS AT TH OF:**

	50	100	200	300	400
<b>Note No. 7, CADMIUM</b>					
CS = exp.(0.7852[ln (TH mg/l)]-3.49)	0.66	1.1	2.0	2.7	3.4
MS = exp.(1.128[ln (TH mg/l)]-1.685)	15	33	73	116	160
FAV = exp.(1.128[ln (TH mg/l)]-0.9919)	31	67	146	231	319
<b>Note No. 8, CHROMIUM +3</b>					
CS = exp.(0.819[ln (TH mg/l)]+1.561)	117	207	365	509	644
MS = exp.(0.819[ln (TH mg/l)]+3.688)	984	1737	3064	4270	5405
FAV = exp.(0.819[ln (TH mg/l)]+4.380)	1966	3469	6120	8530	10797

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# Proposed Rules

Subp. 5. Water quality standards applicable to use Classes 2B, 2C, or 2D; 3A, 3B, 3C, or 3D; 4A and 4B or 4C; and 5. See note No. 1 below.

Water quality standards applicable to use Classes 2B, 2C or 2D; 3A, 3B, 3C or 3D; 4A and 4B or 4C; and 5 continued.

STANDARDS THAT VARY WITH TOTAL HARDNESS (TH)	EXAMPLE STANDARDS AT TH OF:				
	50	100	200	300	400
<b>Note No. 9, COPPER</b>					
CS = exp.(0.62[ln (TH mg/l)]-0.57)	6.4	9.8	15	19	23
MS = exp.(0.9422[ln (TH mg/l)]-1.464)	9.2	18	34	50	65
FAV = exp.(0.9422[ln (TH mg/l)]-0.7703)	18	35	68	100	131
<b>Note No. 10, LEAD</b>					
CS = exp.(1.273[ln (TH mg/l)]-4.705)	1.3	3.2	7.7	13	19
MS = exp.(1.273[ln (TH mg/l)]-1.460)	34	82	197	331	477
FAV = exp.(1.273[ln (TH mg/l)]-0.7643)	68	164	396	663	956
<b>Note No. 11, NICKEL</b>					
CS = exp.(0.846[ln (TH mg/l)]+1.1645)	88	158	283	399	509
MS = exp.(0.846[ln (TH mg/l)]+3.3612)	789	1418	2549	3592	4582
FAV = exp.(0.846[ln (TH mg/l)]+4.0543)	1578	2836	5098	7185	9164
<b>Note No. 12, SILVER</b>					
MS = exp.(1.72[ln (TH mg/l)]-7.2156)	1.0	2.0	6.7	13	22
FAV = exp.(1.72[ln (TH mg/l)]-6.52)	1.2	4.1	13	27	44
The MS and FAV shall be no less than 1.0 ug/l					
<b>Note No. 13, ZINC</b>					
CS = exp.(0.8473[ln (TH mg/l)]+0.7615)	59	106	191	269	343
MS = exp.(0.8473[ln (TH mg/l)]+0.8604)	65	117	211	297	379
FAV = exp.(0.8473[ln (TH mg/l)]+1.5536)	130	234	421	594	758
<b>STANDARD THAT VARIES WITH pH</b>					
	6.5	7.0	7.5	8.0	8.5
<b>Note No. 14, PENTACHLOROPHENOL</b>					
CS = exp.(1.005(pH)-5.290)	3.5	5.5	5.5	5.5	5.5
not to exceed 5.5 ug/l					
MS = exp.(1.005(pH)-4.830)	5.5	9.1	15	25	41
FAV = exp.(1.005(pH)-4.1373)	11	18	30	50	82

Subp. 6. Water quality standards applicable to use Classes 3C, 4A and 4B, 5, and 7.

SUBSTANCE OR CHARACTERISTIC	UNITS	STANDARDS FOR USE CLASSES				
		7 LIMITED RESOURCE	3C INDUST. CONSUMPT.	4A IRRIGA- TION	4B LIVESTOCK	5 AESTHETIC
Bicarbonates (HCO <sub>3</sub> )	meq/l			5		
Boron	ug/l			500		
Chloride	mg/l	230	250			
Dissolved oxygen		See note No. 1 below				
Fecal coliform organisms		See note No. 2 below				
Hardness, Ca+Mg as CaCO <sub>3</sub>	mg/l		500			
Hydrogen sulfide	mg/l					0.02
pH						
		low	6.0	6.0	6.0	6.0
		high	9.0	9.0	8.5	9.0
Radioactive materials		See note No. 3 below				
Salinity, total	mg/l				1000	
Sodium	meq/l			60% of total cations		
Specific conductance	umhos/cm			1000		
Sulfates, wild rice present	mg/l			10		
Total dissolved salts	mg/l			700		
Toxic Pollutants		See note No. 4 below				

Note No. 1, DISSOLVED OXYGEN

At concentrations which will avoid odors or putrid conditions in the receiving water or at concentrations at not less than 1 mg/l (daily average) provided that measurable concentrations are present at all times.

Note No. 2, FECAL COLIFORM ORGANISMS

Not to exceed 1000 organisms per 100 milliliters in any calendar month as determined by the logarithmic mean of a minimum of five samples, nor shall more than ten percent of all samples taken during any calendar month individually exceed 2000 organisms per 100 milliliters. The standard applies only between May 1 and October 31.

Note No. 3, RADIOACTIVE MATERIALS

See parts 7050.0224, subparts 2, 3 and 4.

Note No. 4, TOXIC POLLUTANTS

Toxic pollutants shall not be allowed in such quantities or concentrations that will impair the specified uses.

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## Proposed Rules

### 7050.0221 SPECIFIC STANDARDS OF QUALITY AND PURITY FOR CLASS 1 WATERS OF THE STATE; DOMESTIC CONSUMPTION.

Subpart 1. **General.** The numerical and narrative water quality standards in this part prescribe the qualities or properties of the waters of the state that are necessary for the domestic consumption designated public uses and benefits. If the standards in this part are exceeded in waters of the state that have the Class 1 designation, it is considered indicative of a polluted condition which is actually or potentially deleterious, harmful, detrimental, or injurious with respect to the designated uses.

Subp. 2. **Class 1A waters; domestic consumption.** A. **Class 1A.** The quality of this class of the Class 1A waters of the state shall be such that without treatment of any kind the raw waters will meet in all respects both the mandatory and recommended requirements of the Public Health Service Drinking Water Standards-1962 for drinking water as specified in Publication No. 956 published by the Public Health Service of the United States Department of Health, Education and Welfare, and any revisions, amendments, or supplements to it. This standard primary (maximum contaminant levels) and secondary drinking water standards issued by the United States Environmental Protection Agency as contained in Code of Federal Regulations, title 40, part 141, subparts B and G, and part 143, and any revisions, amendments, or supplements. These Environmental Protection Agency standards are adopted and incorporated by reference. These standards will ordinarily be restricted to underground waters with a high degree of natural protection. The basic requirements are given below:

<b>Substance or Characteristic</b>	<b>Limit or Range</b>
Total coliform organisms	1 most probable number per 100 milliliters
Turbidity value	5 NTUs
Color value	15 Pt.-Co. units
Threshold odor number	3
Methylene blue active substance (MBAS)	0.5 milligram per liter
Arsenic (As)	0.01 milligram per liter
Chlorides (Cl)	250 milligrams per liter
Copper (Cu)	1 milligram per liter
Carbon chloroform extract	0.2 milligram per liter
Cyanides (CN)	0.01 milligram per liter
Fluorides (F)	1.5 milligrams per liter
Iron (Fe)	0.3 milligram per liter
Manganese (Mn)	0.05 milligram per liter
Nitrates as N	10 milligrams per liter
Phenol as phenol	0.001 milligram per liter
Sulfates (SO <sub>4</sub> )	250 milligrams per liter
Total dissolved solids	500 milligrams per liter
Zinc (Zn)	5 milligrams per liter
Barium (Ba)	1 milligram per liter
Cadmium (Cd)	0.01 milligram per liter
Chromium (Hexavalent, Cr)	0.05 milligram per liter
Lead (Pb)	0.05 milligram per liter
Selenium (Se)	0.01 milligram per liter
Silver (Ag)	0.05 milligram per liter
Radioactive material	Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use.

B. **Subp. 3. Class 1B waters.** The quality of this class of the Class 1B waters of the state shall be such that with approved disinfection, such as simple chlorination or its equivalent, the treated water will meet in all respects both the mandatory and recommended requirements of the Public Health Service Drinking Water Standards-1962 for drinking water as specified in Publication No. 956 published by the Public Health Service of the United States Department of Health, Education and Welfare, and any revisions,

amendments, or supplements to it. This standard primary (maximum contaminant levels) and secondary drinking water standards issued by the United States Environmental Protection Agency as contained in Code of Federal Regulations, title 40, part 141, subparts B and G, and part 143, and any revisions, amendments, or supplements; except that the bacteriological standards shall not apply. These Environmental Protection Agency standards, as modified in this part, are adopted and incorporated by reference. These standards will ordinarily be restricted to surface and underground waters with a moderately high degree of natural protection. ~~The physical and chemical standards quoted above for Class 1A waters shall also and~~ apply to these waters in the untreated state.

C- Subp. 4. Class 1C waters. The quality of ~~this class of the Class 1C~~ waters of the state shall be such that with treatment consisting of coagulation, sedimentation, filtration, storage, and chlorination, or other equivalent treatment processes, the treated water will meet in all respects both the mandatory and recommended requirements of the Public Health Service Drinking Water Standards 1962 for drinking water specified in Publication No. 956 published by the Public Health Service of the United States Department of Health, Education and Welfare, and any revisions, amendments, or supplements to it. This standard primary (maximum contaminant levels) and secondary drinking water standards issued by the United States Environmental Protection Agency as contained in Code of Federal Regulations, title 40, part 141, subparts B and G, and part 143, and any revisions, amendments, or supplements; except that the bacteriological standards shall not apply, and the turbidity standard shall be 25 mg/l. These Environmental Protection Agency standards, as modified in this part, are adopted and incorporated by reference. These standards will ordinarily be restricted to surface waters, and groundwaters in aquifers not considered to afford adequate protection against contamination from surface or other sources of pollution. Such aquifers normally would include fractured and channeled limestone, unprotected impervious hard rock where water is obtained from mechanical fractures or joints with surface connections, and coarse gravels subjected to surface water infiltration. ~~The physical and chemical standards quoted above for Class 1A waters~~ These standards shall also apply to these waters in the untreated state; except as listed below:

<b>Substance or Characteristic</b>	<b>Limit or Range</b>
Turbidity value	25 NTUs

D- Subp. 5. Class 1D waters. The quality of ~~this class of the Class 1D~~ waters of the state shall be such that after treatment consisting of coagulation, sedimentation, filtration, storage, and chlorination, plus additional pre, post, or intermediate stages of treatment, or other equivalent treatment processes, the treated water will meet in all respects the recommended requirements of the Public Health Service Drinking Water Standards 1962 for drinking water as specified in Publication No. 956 published by the Public Health Service of the United States Department of Health, Education and Welfare, and any revisions, amendments, or supplements to it. This standard both the primary (maximum contaminant levels) and secondary drinking water standards issued by the United States Environmental Protection Agency as contained in Code of Federal Regulations, title 40, part 141, subparts B and G, and part 143, and any revisions, amendments, or supplements; except that the bacteriological standards shall not apply, and the standards for the substances identified below shall apply. These Environmental Protection Agency standards, as modified in this part, are adopted and incorporated by reference. These standards will ordinarily be restricted to surface waters, and groundwaters in aquifers not considered to afford adequate protection against contamination from surface or other sources of pollution. Such aquifers normally would include fractured and channeled limestone, unprotected impervious hard rock where water is obtained from mechanical fractures or joints with surface connections, and coarse gravels subjected to surface water infiltration. ~~The concentrations or ranges given below~~ These standards shall not be exceeded in the raw waters before treatment:

<b>Substance or Characteristic</b>	<b>Limit or Range Class 1D Standard</b>
Arsenic (As)	0.05 milligram per liter
Barium (Ba)	1 milligram per liter
Cadmium (Cd)	0.01 milligram per liter
Chromium (Hexavalent, Cr)	0.05 milligram per liter
Cyanide (CN)	0.2 milligram per liter
Fluoride (F)	1.5 milligrams per liter
Lead (Pb)	0.05 milligram per liter
Selenium (Se)	0.01 milligram per liter
Silver (Ag)	0.05 milligram per liter

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# Proposed Rules

**Substance or Characteristic**  
Radioactive material

**Limit or Range Class 1D Standard**

Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use.

**Subp. 6. Additional standards.** In addition to the above listed standards in subparts 2 to 5, no sewage, industrial waste, or other wastes from point or nonpoint sources, treated or untreated, shall be discharged into or permitted by any person to gain access to any waters of the state classified for domestic consumption so as to cause any material undesirable increase in the taste, hardness, temperature, chronic toxicity, corrosiveness, or nutrient content, or in any other manner to impair the natural quality or value of the waters for use as a source of drinking water.

**7050.0222 SPECIFIC STANDARDS OF QUALITY AND PURITY FOR CLASS 2 WATERS OF THE STATE; AQUATIC LIFE AND RECREATION.**

**Subpart 1. General.** The numerical and narrative water quality standards in this part prescribe the qualities or properties of the waters of the state that are necessary for the aquatic life and recreation designated public uses and benefits. If the standards in this part are exceeded in waters of the state that have the Class 2 designation, it is considered indicative of a polluted condition which is actually or potentially deleterious, harmful, detrimental, or injurious with respect to the designated uses.

**Subp. 3-2. Class 2. Fisheries 2A waters; aquatic life and recreation.** ~~A. Class 2A.~~ The quality of ~~this class of Class 2A~~ surface waters shall be such as to permit the propagation and maintenance of ~~warm or a healthy community of cold water sport or commercial fishes fish and associated aquatic life,~~ and their habitats ~~and.~~ These waters shall be suitable for aquatic recreation of all kinds, including bathing, for which the waters may be usable. This class of surface waters is also protected as a source of drinking water. The applicable standards are given below, with substances considered carcinogenic and having human health-based standards followed by a (c). ~~Part 7050.0220, Subpart 3 7, item H E,~~ should be referenced for ~~FAVs FAV~~ and MS values noted with an asterisk (\*):

Substance or Characteristic	Standards Class 2A Standard		
	CS	MS	FAV
(c) = carcinogen			
Acenaphthene µg/l	12	41	81
Acrylonitrile (c) µg/l	0.38	1140*	2281*
<u>Alachlor (c) µg/l</u>	<u>3.8</u>	<u>800</u>	<u>1600</u>
Aluminum, total µg/l	87	748	1496
Ammonia un-ionized as N µmg/l	16	none	none

The percent un-ionized ammonia can be calculated for any temperature and pH by using the following formula taken from Emerson, K., R.C. Russo, R.E. Lund, and R.V. Thurston, 1975. Aqueous ammonia equilibrium calculations; effect of pH and temperature. Journal of the Fisheries Board of Canada 32: 2379-2383.

$$f = \frac{1}{10^{(pk_a - pH)} + 1} \times 100$$

where:

f = the percent of total ammonia in the un-ionized state

$pk_a = 0.09 + \frac{2730}{T}$ , dissociation constant for ammonia

T = temperature in degrees Kelvin (273.16° Kelvin = 0° Celsius)

**Class 2A Standards continued**

	CS	MS	FAV
Anthracene µg/l	0.029	0.78	1.6
<u>Antimony µg/l</u>	<u>5.5</u>	<u>90</u>	<u>180</u>
Arsenic, total µg/l	<u>50 2.0</u>	360	720
<u>Atrazine (c) µg/l</u>	<u>3.4</u>	<u>323</u>	<u>645</u>
Benzene (c) µg/l	<u>5.9 9.7</u>	4487*	8974*
Bromoform µg/l	<u>103 33</u>	2900	5800
Cadmium, total µg/l			

The CS shall not exceed:  $\exp.(0.7852[\ln(\text{total hardness mg/l})]-3.49)$ .

The MS shall not exceed:  $\exp.(1.128[\ln(\text{total hardness mg/l})]-3.828)$ .

The FAV shall not exceed:  $\exp.(1.128[\ln(\text{total hardness mg/l})]-3.1349)$ .

For hardness values greater than 400 mg/l, 400 mg/l shall be used in the calculation of the standard.

**Cadmium standards in  $\mu\text{g/l}$  at various hardness values**

Hardness mg/l			
50	0.66	1.8	3.6
100	1.1	3.9	7.8
200	2.0	8.6	17.1

**Class 2A Standards continued**

	<u>CS</u>	<u>MS</u>	<u>FAV</u>
Carbon tetrachloride (c) $\mu\text{g/l}$	1.9	1750*	3500*
Chlordane (c) $\mu\text{g/l}$	0.000073	1.2*	2.4*
Chloride mg/l	230	860	1720
Chlorine, total residual $\mu\text{g/l}$	6	19	38

Applies to conditions of continuous exposure, where continuous exposure refers to chlorinated effluents that are discharged for more than a total of two hours in any 24-hour period.

**Class 2A Standards continued**

	<u>CS</u>	<u>MS</u>	<u>FAV</u>
Chlorobenzene $\mu\text{g/l}$ (Monochlorobenzene)	10	423	846
Chloroform (c) $\mu\text{g/l}$	49	2235	4471
Chlorpyrifos $\mu\text{g/l}$	0.041	0.083	0.17
Chromium + 3, total $\mu\text{g/l}$			

The CS shall not exceed:  $\exp.(0.819[\ln(\text{total hardness mg/l})] + 1.561)$ .

The MS shall not exceed:  $\exp.(0.819[\ln(\text{total hardness mg/l})] + 3.688)$ .

The FAV shall not exceed:  $\exp.(0.819[\ln(\text{total hardness mg/l})] + 4.380)$ .

For hardness values greater than 400 mg/l, 400 mg/l shall be used in the calculation of the standard.

**Chromium + 3 standards in  $\mu\text{g/l}$  at various hardness values**

Hardness mg/l			
50	117	984	1966
100	207	1737	3469
200	365	3064	6120

**Class 2A Standards continued**

	<u>CS</u>	<u>MS</u>	<u>FAV</u>
Chromium + 6, total $\mu\text{g/l}$	11	16	32
<u>Cobalt <math>\mu\text{g/l}</math></u>	<u>2.8</u>	<u>436</u>	<u>872</u>
Color value Pt.-Co. units	30	none	none
Copper, total $\mu\text{g/l}$			

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## Proposed Rules

The CS shall not exceed:  $\exp.(0.62[\ln(\text{total hardness mg/l})]-0.57)$ .

The MS shall not exceed:  $\exp.(0.9422[\ln(\text{total hardness mg/l})]-1.464)$ .

The FAV shall not exceed:  $\exp.(0.9422[\ln(\text{total hardness mg/l})]-0.7703)$ .

For hardness values greater than 400 mg/l, 400 mg/l shall be used in the calculation of the standard.

### Copper standards in $\mu\text{g/l}$ at various hardness values

Hardness mg/l			
50	6.4	9.2	18
100	9.8	18	35
200	15	34	68
<b><u>Class 2A Standards continued</u></b>			
	<b><u>CS</u></b>	<b><u>MS</u></b>	<b><u>FAV</u></b>
Cyanide, free $\mu\text{g/l}$	5.2	22	45
Dissolved oxygen mg/l	7 as a daily minimum	none	none

This dissolved oxygen standard requires compliance with the standard 50 percent of the days at which the flow of the receiving water is equal to the lowest weekly flow with a once in ten-year recurrence interval (7Q10).

<b><u>Class 2A Standards continued</u></b>			
	<b><u>CS</u></b>	<b><u>MS</u></b>	<b><u>FAV</u></b>
DDT (c) $\mu\text{g/l}$	0.00011	0.55*	1.1*
1,2-Dichloroethane (c) $\mu\text{g/l}$	3.5	45050*	90100*
Dieldrin (c) $\mu\text{g/l}$	0.0000065	<del>1.25</del> 1.3*	2.5*
Di-2-Ethylhexyl phthalate (c) $\mu\text{g/l}$	1.9	none	none
Di-n-Octyl phthalate $\mu\text{g/l}$	30	825	1650
Endosulfan $\mu\text{g/l}$	<del>0.044</del> 0.0076	0.084	0.17
Endrin $\mu\text{g/l}$	0.0039	0.090	0.18
Ethylbenzene $\mu\text{g/l}$	68	1859	3717
Fecal coliform organisms			

Not to exceed 200 organisms per 100 milliliters as a geometric mean of not less than five samples in any calendar month, nor shall more than ten percent of all samples taken during any calendar month individually exceed 400 organisms per 100 milliliters. The standard applies only between March 1 and October 31.

<b><u>Class 2A Standards continued</u></b>			
	<b><u>CS</u></b>	<b><u>MS</u></b>	<b><u>FAV</u></b>
Fluoranthene $\mu\text{g/l}$	<del>1.1</del> 7.1	199	398
Heptachlor (c) $\mu\text{g/l}$	0.00010	0.26*	0.52*
Heptachlor epoxide (c) $\mu\text{g/l}$	0.00012	0.27*	0.53*
Hexachlorobenzene (c) $\mu\text{g/l}$	<del>0.000056</del> 0.000061	none	none
<u>Iron <math>\mu\text{g/l}</math></u>	<u>221</u>	<u>242</u>	<u>485</u>
Lead, total $\mu\text{g/l}$			

The CS shall not exceed:  $\exp.(1.273[\ln(\text{total hardness mg/l})]-4.705)$ .

The MS shall not exceed:  $\exp.(1.273[\ln(\text{total hardness mg/l})]-1.460)$ .

The FAV shall not exceed:  $\exp.(1.273[\ln(\text{total hardness mg/l})]-0.7643)$ .

For hardness values greater than 400 mg/l, 400 mg/l shall be used in the calculation of the standard.

Lead standard in µg/l at various hardness values

Hardness mg/l			
50	1.3	34	68
100	3.2	82	164
200	7.7	197	396

Class 2A Standards continued

	<u>CS</u>	<u>MS</u>	<u>FAV</u>
Lindane (c) µg/l (Hexachlorocyclohexane, gamma-)	0.0087	1.0*	2.0*
<u>Manganese µg/l</u>	<u>138</u>	<u>4643</u>	<u>9285</u>
Mercury, total µg/l	0.0069	2.4*	4.9*
Methylene chloride (c) µg/l (Dichloromethane)	45	9600*	19200*
<u>Naphthalene µg/l</u>	<u>81</u>	<u>409</u>	<u>818</u>
Nickel, total µg/l			

The CS shall not exceed the human health-based criterion of ~~88~~ 297 µg/l.

For waters with total hardness values less than ~~50~~ 212 mg/l, the CS shall not exceed:  $\exp(0.846[\ln(\text{total hardness mg/l})] + 1.1645)$ .

The MS shall not exceed:  $\exp(0.846[\ln(\text{total hardness mg/l})] + 3.3612)$ .

The FAV shall not exceed:  $\exp(0.846[\ln(\text{total hardness mg/l})] + 4.0543)$ .

For hardness values greater than 400 mg/l, 400 mg/l shall be used in the calculation of the standard.

Nickel standards in µg/l at various hardness values

Hardness mg/l			
50	88	789	1578
100	<del>88</del> <u>158</u>	1418	2836
200	<del>88</del> <u>283</u>	2549	5098

Class 2A Standards continued

	<u>CS</u>	<u>MS</u>	<u>FAV</u>
Oil µmg/l	500	5000	10000
Parathion µg/l	0.013	0.07	0.13
Pentachlorophenol µg/l			

The CS shall not exceed:  ~~$\exp(1.005[\text{pH}] - 5.290)$~~  0.93.

The MS shall not exceed:  $\exp(1.005[\text{pH}] - 4.830)$ .

The FAV shall not exceed:  $\exp(1.005[\text{pH}] - 4.1373)$ .

Pentachlorophenol standards in µg/l at various pH values

pH			
7.0	<del>5.7</del> <u>0.93</u>	9.1	18
7.5	<del>9.5</del> <u>0.93</u>	15	30
8.0	<del>16</del> <u>0.93</u>	25	50

pH value not less than 6.5 nor greater than 8.5

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# Proposed Rules

## Class 2A Standards continued

	<u>CS</u>	<u>MS</u>	<u>FAV</u>
Phenanthrene µg/l	2.1	29	58
Phenol µg/l	123	2214	4428
Polychlorinated biphenyls, total (c) µg/l	0.000014	1.0*	2.0*
Radioactive materials			

Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use.

## Class 2A Standards continued

	<u>CS</u>	<u>MS</u>	<u>FAV</u>
Selenium, total µg/l	5.0	20	40
Silver, total µg/l			

The CS shall not exceed: 0.12.

The MS shall not exceed:  $\exp(1.72[\ln(\text{total hardness mg/l})]-7.2156)$  and

The FAV shall not exceed:  $\exp(1.72[\ln(\text{total hardness mg/l})]-6.52)$  provided that the MS and FAV shall be no less than 0.12 µg/l.

For hardness values greater than 400 mg/l, 400 mg/l shall be used in the calculation of the standard.

### Silver standards in µg/l at various hardness values

Hardness mg/l	CS	MS	FAV
50	n/a	0.61	1.2
100	n/a	2.0	4.1
200	n/a	6.7	13

Temperature

No material increase

## Class 2A Standards continued

	<u>CS</u>	<u>MS</u>	<u>FAV</u>
1,1,2,2-Tetrachloroethane (c) µg/l	1.1	1127*	2253*
Tetrachloroethylene (c) µg/l	3.8	428*	857*
<u>Thallium µg/l</u>	<u>0.28</u>	<u>64</u>	<u>128</u>
Toluene µg/l	253	1352	2703
Toxaphene (c) µg/l	0.00031	0.73*	1.5*
1,1,1-Trichloroethane µg/l	263	2628	5256
1,1,2-Trichloroethylene (c) µg/l	25	6988*	13976*
2,4,6-Trichlorophenol µg/l	2.0	102	203
Turbidity value NTUs	10	none	none
Vinyl chloride (c) µg/l	<del>0.14</del> <u>0.17</u>	none	none
Xylene, total m, p, and o µg/l	166	1407	2814
Zinc, total µg/l			

The CS shall not exceed:  $\exp(0.8473[\ln(\text{total hardness mg/l})] + 0.7615)$ .

The MS shall not exceed:  $\exp(0.8473[\ln(\text{total hardness mg/l})] + 0.8604)$ .

The FAV shall not exceed:  $\exp(0.8473[\ln(\text{total hardness mg/l})] + 1.5536)$ .

For hardness values greater than 400 mg/l, 400 mg/l shall be used in the calculation of the standard.

Zinc standards in µg/l at various hardness values

Hardness mg/l			
50	59	65	130
100	106	117	234
200	191	211	421

~~B- Subp. 3. Class 2Bd waters.~~ The quality of ~~this class of Class 2Bd~~ surface waters shall be such as to permit the propagation and maintenance of a healthy community of cool or warm water sport or commercial fishes fish and associated aquatic life and their habitats and. These waters shall be suitable for aquatic recreation of all kinds, including bathing, for which the waters may be usable. This class of surface waters are also protected as a source of drinking water. The standards for waters listed in item A shall apply to these waters except as listed below, with substances considered carcinogenic and having human health-based standards followed by a (c). Part ~~7050.0220~~ 7050.0222, subpart ~~3 7~~, item ~~H E~~, should be referenced for ~~FAVs~~ FAV and MS values noted with an asterisk (\*):

Substance or Characteristic	Class 2Bd Standard		
	CS	MS	FAV
(c) = carcinogen			
<u>Alachlor (c) µg/l</u>	<u>4.2</u>	<u>800</u>	<u>1600</u>
Aluminum, total µg/l	125	1072	2145
Ammonia un-ionized as N µg/l	40	none	none

The percent un-ionized ammonia can be calculated for any temperature and pH as described in ~~item A~~ subpart 2.

Class 2Bd Standards continued

	CS	MS	FAV
Benzene (c) µg/l	<del>6.9</del> <u>11</u>	4487*	8974*
Bromoform µg/l	<del>128</del> <u>41</u>	2900	5800
Cadmium, total µg/l			

The CS shall not exceed:  $\exp.(0.7852[\ln(\text{total hardness mg/l})]-3.49)$ .

The MS shall not exceed:  $\exp.(1.128[\ln(\text{total hardness mg/l})]-1.685)$ .

The FAV shall not exceed:  $\exp.(1.128[\ln(\text{total hardness mg/l})]-0.9919)$ .

For hardness values greater than 400 mg/l, 400 mg/l shall be used in the calculation of the standard.

Cadmium standards in µg/l at various hardness values

Hardness mg/l			
50	0.66	15	31
100	1.1	33	67
200	2.0	73	146

Class 2Bd Standards continued

	CS	MS	FAV
Chlordane (c) µg/l	0.00029	1.2*	2.4*
Chloroform (c) µg/l	55	2235	4471
<u>Color value</u>	<u>none</u>	<u>none</u>	<u>none</u>
Dissolved oxygen mg/l	5 as a daily minimum	none	none

This dissolved oxygen standard requires compliance with the standard 50 percent of the days at which the flow of the receiving water is equal to the lowest weekly flow with a once in ten year recurrence interval (7Q10).

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**Proposed Rules**

**Class 2Bd Standards continued**

	<u>CS</u>	<u>MS</u>	<u>FAV</u>
DDT (c) µg/l	0.0017	0.55*	1.1*
1,2-Dichloroethane (c) µg/l	3.8	45050*	90100*
Dieldrin (c) µg/l	0.000026	<del>1.25</del> 1.3*	2.5*
Endosulfan µg/l	<del>0.15</del> 0.029	0.28	0.56
Endrin µg/l	0.016	0.090	0.18
Fecal coliform organisms			

Not to exceed 200 organisms per 100 milliliters as a geometric mean of not less than five samples in any calendar month, nor shall more than ten percent of all samples taken during any calendar month individually exceed 2,000 organisms per 100 milliliters. The standard applies only between March 1 and October 31.

**Class 2Bd Standards continued**

	<u>CS</u>	<u>MS</u>	<u>FAV</u>
Fluoranthene µg/l	<del>4.1</del> 20	199	398
Heptachlor (c) µg/l	0.00039	0.26*	0.52*
Heptachlor epoxide (c) µg/l	0.00048	0.27*	0.53*
Hexachlorobenzene (c) µg/l	<del>0.00022</del> 0.00024	none	none
<u>Iron µg/l</u>	<u>1245</u>	<u>1363</u>	<u>2726</u>
Lindane (c) µg/l (Hexachlorocyclohexane gamma-)	0.032	4.4*	8.8*
Methylene chloride (c) µg/l (Dichloromethane)	46	9600*	19200*
pH value Not less than 6.5 nor greater than 9.0			

**Pentachlorophenol µg/l**

The CS shall not exceed: 1.9 µg/l.

The MS shall not exceed: exp.(1.005[pH]-4.830).

The FAV shall not exceed: exp.(1.005[pH]-4.1373).

**Pentachlorophenol standards in µg/l at various pH values**

<u>pH</u>	<u>CS</u>	<u>MS</u>	<u>FAV</u>
<u>7.0</u>	<u>1.9</u>	<u>9.1</u>	<u>18</u>
<u>7.5</u>	<u>1.9</u>	<u>15</u>	<u>30</u>
<u>8.0</u>	<u>1.9</u>	<u>25</u>	<u>50</u>

**Class 2Bd Standards continued**

	<u>CS</u>	<u>MS</u>	<u>FAV</u>
Polychlorinated biphenyls, total (c) µg/l	0.000029	1.0*	2.0*
Silver, total µg/l			

The CS shall not exceed: 1.0.

The MS shall not exceed: exp.(1.72[ln(total hardness mg/l)]-7.2156) and

The FAV shall not exceed: exp.(1.72[ln(total hardness mg/l)]-6.52) provided that the MS and FAV shall be no less than 1.0 µg/l.

For hardness values greater than 400 mg/l, 400 mg/l shall be used in the calculation of the standard.

Hardness mg/l	Silver standards in µg/l at various hardness values		
50	n/a	1.0	1.2
100	n/a	2.0	4.1
200	n/a	6.7	13

Temperature

5°F above natural in streams and 3°F above natural in lakes, based on monthly average of the maximum daily temperature, except in no case shall it exceed the daily average temperature of 86°F.

Class 2Bd Standards continued

	<u>CS</u>	<u>MS</u>	<u>FAV</u>
1,1,2,2-Tetrachloroethane (c) µg/l	<del>1.54</del> <u>1.5</u>	1127*	2253*
Toxaphene (c) µg/l	0.0013	0.73*	1.5*
Turbidity value NTUs	25	none	none
Vinyl chloride (c) µg/l	<del>0.15</del> <u>0.18</u>	none	none

~~C. Subp. 4. Class 2B waters.~~ The quality of ~~this class of Class 2B~~ surface waters shall be such as to permit the propagation and maintenance of a healthy community of cool or warm water sport or commercial fishes fish and associated aquatic life, and their habitats ~~and. These waters shall~~ be suitable for aquatic recreation of all kinds, including bathing, for which the waters may be usable. This class of surface water is not protected as a source of drinking water. The applicable standards are given below, with substances considered carcinogenic and having human health-based standards followed by a (c). Part ~~7050.0220~~ 7050.0222, subpart ~~3~~ 7, item ~~H~~ E, should be referenced for ~~FAVs~~ FAV and MS values noted with an asterisk (\*):

Substance or Characteristic	<u>Class 2B Standard</u>		
	<u>CS</u>	<u>MS</u>	<u>FAV</u>
(c) = carcinogen			
Acenaphthene µg/l	12	41	81
Acrylonitrile (c) µg/l	0.89	1140*	2281*
<u>Alachlor µg/l</u>	<u>59</u>	<u>800</u>	<u>1600</u>
Aluminum, total µg/l	125	1072	2145
Ammonia un-ionized as N µg/l	40	none	none

The percent un-ionized ammonia can be calculated for any temperature and pH as described in ~~item A~~ subpart 2.

Class 2B Standards continued

	<u>CS</u>	<u>MS</u>	<u>FAV</u>
Anthracene µg/l	0.029	0.78	1.6
<u>Antimony µg/l</u>	<u>31</u>	<u>90</u>	<u>180</u>
Arsenic, total µg/l	<del>70</del> <u>53</u>	360	720
<u>Atrazine (c) µg/l</u>	<u>10</u>	<u>323</u>	<u>645</u>
Benzene (c) µg/l	114	4487	8974
Bromoform µg/l	<del>558</del> <u>466</u>	2900	5800
Cadmium, total µg/l			

The CS shall not exceed:  $\exp(0.7852[\ln(\text{total hardness mg/l})]-3.49)$ .

The MS shall not exceed:  $\exp(1.128[\ln(\text{total hardness mg/l})]-1.685)$ .

The FAV shall not exceed:  $\exp(1.128[\ln(\text{total hardness mg/l})]-0.9919)$ .

For hardness values greater than 400 mg/l, 400 mg/l shall be used in the calculation of the standard.

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# Proposed Rules

## Cadmium standards in µg/l at various hardness values

Hardness mg/l			
50	0.66	15	31
100	1.1	33	67
200	2.0	73	146

### Class 2B Standards continued

	<u>CS</u>	<u>MS</u>	<u>FAV</u>
Carbon tetrachloride (c) µg/l	5.9	1750*	3500*
Chlordane (c) µg/l	0.00029	1.2*	2.4*
Chloride mg/l	230	860	1720
Chlorine, total residual µg/l	6	19	38

Applies to conditions of continuous exposure, where continuous exposure refers to chlorinated effluents that are discharged for more than a total of two hours in any 24-hour period.

### Class 2B Standards continued

	<u>CS</u>	<u>MS</u>	<u>FAV</u>
Chlorobenzene µg/l (Monochlorobenzene)	10	423	846
Chloroform (e) µg/l	224	2235	4471
Chlorpyrifos µg/l	0.041	0.083	0.17
Chromium + 3, total µg/l			

The CS shall not exceed:  $\exp(0.819[\ln(\text{total hardness mg/l})] + 1.561)$ .

The MS shall not exceed:  $\exp(0.819[\ln(\text{total hardness mg/l})] + 3.688)$ .

The FAV shall not exceed:  $\exp(0.819[\ln(\text{total hardness mg/l})] + 4.38)$ .

For hardness values greater than 400 mg/l, 400 mg/l shall be used in the calculation of the standard.

## Chromium + 3 standards in µg/l at various hardness values

Hardness mg/l			
50	117	984	1966
100	207	1737	3469
200	365	3064	6120

### Class 2B Standards continued

	<u>CS</u>	<u>MS</u>	<u>FAV</u>
Chromium + 6, total µg/l	11	16	32
<u>Cobalt µg/l</u>	<u>5</u>	<u>436</u>	<u>872</u>
Copper, total µg/l			

The CS shall not exceed:  $\exp(0.62[\ln(\text{total hardness mg/l})] - 0.57)$ .

The MS shall not exceed:  $\exp(0.9422[\ln(\text{total hardness mg/l})] - 1.464)$ .

The FAV shall not exceed:  $\exp(0.9422[\ln(\text{total hardness mg/l})] - 0.7703)$ .

For hardness values greater than 400 mg/l, 400 mg/l shall be used in the calculation of the standard.

## Copper standards in µg/l at various hardness values

Hardness mg/l			
50	6.4	9.2	18
100	9.8	18	35
200	15	34	68

Class 2B Standards continued

	<u>CS</u>	<u>MS</u>	<u>FAV</u>
Cyanide, free µg/l	5.2	22	45
Dissolved oxygen mg/l	5 as a daily minimum	none	none

This standard applies to all Class 2 waters except for the reach of the Mississippi River from the outlet of the metro wastewater treatment works in Saint Paul (River Mile 835) to Lock and Dam No. 2 at Hastings (River Mile 815). For this reach of the Mississippi River the standard is not less than five milligrams per liter as a daily average from April 1 through November 30, and not less than four milligrams per liter at other times.

This dissolved oxygen standard requires compliance with the standard 50 percent of the days at which the flow of the receiving water is equal to the lowest weekly flow with a once in ten year recurrence interval (7Q10).

Class 2B Standards continued

	<u>CS</u>	<u>MS</u>	<u>FAV</u>
DDT (c) µg/l	0.0017	0.55*	1.1*
1,2-Dichloroethane (c) µg/l	190	45050*	90100*
Dieldrin (c) µg/l	0.000026	<del>1.25</del> <u>1.3*</u>	2.5*
Di-2-Ethylhexyl phthalate (c) µg/l	2.1	none	none
Di-n-Octyl phthalate µg/l	30	825	1650
Endosulfan µg/l	<del>0.15</del> <u>0.031</u>	0.28	0.56
Endrin µg/l	0.016	0.090	0.18
Ethylbenzene µg/l	68	1859	3717
Fecal coliform organisms			

Not to exceed 200 organisms per 100 milliliters as a geometric mean of not less than five samples in any calendar month, nor shall more than ten percent of all samples taken during any calendar month individually exceed 2,000 organisms per 100 milliliters. The standard applies only between March 1 and October 31.

Class 2B Standards continued

	<u>CS</u>	<u>MS</u>	<u>FAV</u>
Fluoranthene µg/l	<del>4.6</del> <u>20</u>	199	398
Heptachlor (c) µg/l	0.00039	0.26*	0.52*
Heptachlor epoxide (c) µg/l	0.00048	0.27*	0.53*
Hexachlorobenzene (c) µg/l	<del>0.00022</del>		
	<u>0.00024</u>	none	none
<u>Iron µg/l</u>	<u>1245</u>	<u>1363</u>	<u>2726</u>
Lead, total µg/l			

The CS shall not exceed:  $\exp.(1.273[\ln(\text{total hardness mg/l})]-4.705)$ .

The MS shall not exceed:  $\exp.(1.273[\ln(\text{total hardness mg/l})]-1.460)$ .

The FAV shall not exceed:  $\exp.(1.273[\ln(\text{total hardness mg/l})]-0.7643)$ .

For hardness values greater than 400 mg/l, 400 mg/l shall be used in the calculation of the standard.

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# Proposed Rules

## Lead standards in µg/l at various hardness values

Hardness mg/l			
50	1.3	34	68
100	3.2	82	164
200	7.7	197	396

### Class 2B Standards continued

	<u>CS</u>	<u>MS</u>	<u>FAV</u>
Lindane (c) µg/l (Hexachlorocyclohexane gamma-)	0.036	4.4*	8.8*
<u>Manganese µg/l</u>	<u>491</u>	<u>4643</u>	<u>9285</u>
Mercury, total µg/l	0.0069	2.4*	4.9*
Methylene chloride (e) µg/l (Dichloromethane)	1561	9600	19200
<u>Naphthalene µg/l</u>	<u>81</u>	<u>409</u>	<u>818</u>
Nickel, total µg/l			

For waters with total hardness values greater than 143 mg/l, the CS shall not exceed the human health-based criterion of 213 µg/l. For waters with total hardness values less than 144 mg/l,

The CS shall not exceed:  $\exp(0.846[\ln(\text{total hardness mg/l})] + 1.1645)$ .

The MS shall not exceed:  $\exp(0.846[\ln(\text{total hardness mg/l})] + 3.3612)$ .

The FAV shall not exceed:  $\exp(0.846[\ln(\text{total hardness mg/l})] + 4.0543)$ .

For hardness values greater than 400 mg/l, 400 mg/l shall be used in the calculation of the standard.

## Nickel standards in µg/l at various hardness values

Hardness mg/l			
50	88	789	1578
100	158	1418	2836
200	<del>213</del> <u>283</u>	2549	5098

### Class 2B Standards continued

	<u>CS</u>	<u>MS</u>	<u>FAV</u>
Oil µg/l	500	5000	10000
Parathion µg/l	0.013	0.07	0.13
Pentachlorophenol µg/l			

For waters with pH values greater than 6.95, the CS shall not exceed the human health-based criterion of 5.5 µg/l. For waters with pH values less than 6.96,

The CS shall not exceed:  $\exp(1.005[\text{pH}] - 5.290)$ .

The MS shall not exceed:  $\exp(1.005[\text{pH}] - 4.830)$ .

The FAV shall not exceed:  $\exp(1.005[\text{pH}] - 4.1373)$ .

## Pentachlorophenol standards in µg/l at various pH values

pH			
7.0	<del>5.7</del> <u>5.5</u>	9.1	18
7.5	<del>9.5</del> <u>5.5</u>	15	30
8.0	<del>16</del> <u>5.5</u>	25	50

pH value

not less than 6.5 nor greater than 9.0

Class 2B Standards continued

	<u>CS</u>	<u>MS</u>	<u>FAV</u>
Phenanthrene µg/l	2.1	29	58
Phenol µg/l	123	2214	4428
Polychlorinated biphenyls, total (c) µg/l	0.000029	1.0*	2.0*
Radioactive materials			

Not to exceed the lowest concentration permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use.

Class 2B Standards continued

	<u>CS</u>	<u>MS</u>	<u>FAV</u>
Selenium, total µg/l	5.0	20	40
Silver, total µg/l			

The CS shall not exceed: 1.0.

The MS shall not exceed:  $\exp(1.72[\ln(\text{total hardness and$

$\text{The FAV shall not exceed: } \exp(1.72[\ln(\text{total hardness mg/l})]-6.52)$  provided that the MS and FAV shall be no less than 1.0 µg/l.

For hardness values greater than 400 mg/l, 400 mg/l shall be used in the calculation of the standard.

Silver standards in µg/l at various hardness values

<u>Hardness mg/l</u>			
50	n/a	1.0	1.2
100	n/a	2.0	4.1
200	n/a	6.7	13

Temperature

5°F above natural in streams and 3°F above natural in lakes, based on monthly average of the maximum daily temperature, except in no case shall it exceed the daily average temperature of 86°F.

Class 2B Standards continued

	<u>CS</u>	<u>MS</u>	<u>FAV</u>
1,1,2,2-Tetrachloroethane (c) µg/l	13	1127	2253
Tetrachloroethylene (c) µg/l	8.9	428	857
<u>Thallium µg/l</u>	<u>0.56</u>	<u>64</u>	<u>128</u>
Toluene µg/l	253	1352	2703
Toxaphene (c) µg/l	0.0013	0.73*	1.5*
1,1,1-Trichloroethane µg/l	263	2628	5256
1,1,2-Trichloroethylene (c) µg/l	120	6988	13976
2,4,6-Trichlorophenol µg/l	2.0	102	203
Turbidity value NTUs	25	none	none
Vinyl chloride (c) µg/l	<del>7.6</del> <u>9.2</u>	none	none
Xylene, total m, p, and o µg/l	166	1407	2814
Zinc, total µg/l			

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The CS shall not exceed:  $\exp.(0.8473[\ln(\text{total hardness mg/l})] + 0.7615)$ .

The MS shall not exceed:  $\exp.(0.8473[\ln(\text{total hardness mg/l})] + 0.8604)$ .

The FAV shall not exceed:  $\exp.(0.8473[\ln(\text{total hardness mg/l})] + 1.5536)$ .

For hardness values greater than 400 mg/l, 400 mg/l shall be used in the calculation of the standard.

### Zinc standards in $\mu\text{g/l}$ at various hardness values

Hardness mg/l			
50	59	65	130
100	106	117	234
200	191	211	421

~~D.~~ Subp. 5. Class 2C waters. The quality of this class of Class 2C surface waters shall be such as to permit the propagation and maintenance of rough a healthy community of indigenous fish or species commonly inhabiting waters of the vicinity under natural conditions, maintain the habitat for such fisheries, and associated aquatic life, and their habitats. These waters shall be suitable for boating and other forms of aquatic recreation for which the waters may be usable. The standards for Class 2B waters listed in ~~item C~~ subpart 4 shall apply to these waters except as listed below:

Substance or Characteristic	Class 2C Standard		
	CS	MS	FAV
Dissolved oxygen mg/l	5 as a daily minimum	none	none

This standard applies to all Class 2 waters except for the reach of the Mississippi River from the outlet of the metro wastewater treatment works in Saint Paul (River Mile 835) to Lock and Dam No. 2 at Hastings (River Mile 815) and except for the reach of the Minnesota River from the outlet of the Blue Lake wastewater treatment works (River Mile 21) to the mouth at Fort Snelling. For this reach of the Mississippi River the standard is not less than five milligrams per liter as a daily average from April 1 through November 30, and not less than four milligrams per liter at other times. For the specified reach of the Minnesota River the standard shall be not less than five milligrams per liter as a daily average year-round.

This dissolved oxygen standard requires compliance with the standard 50 percent of the days at which the flow of the receiving water is equal to the lowest weekly flow with a once in ten year recurrence interval (7Q10).

#### Temperature

5°F above natural in streams and 3°F above natural in lakes, based on monthly average of the maximum daily temperature, except in no case shall it exceed the daily average temperature of 90°F.

Subp. 6. Class 2D waters. The quality of Class 2D wetlands shall be such as to permit the propagation and maintenance of a healthy community of aquatic and terrestrial species indigenous to wetlands, and their habitats. Wetlands also add to the biological diversity of the landscape. These waters shall be suitable for boating and other forms of aquatic recreation for which the wetland may be usable. The standards for Class 2B waters listed under subpart 4 shall apply to these waters except as listed below:

Substance or Characteristic	Class 2D Standard
Dissolved oxygen	If background is less than 5.0 mg/l as a daily minimum, maintain background*
pH	Maintain background
Temperature	Maintain background

\*"Maintain background" means the concentration of the water quality substance or characteristic shall not deviate from the range of natural background concentrations or conditions such that there is a potential significant adverse impact to the designated uses.

Activities in wetlands which involve the normal farm practices of planting with annually seeded crops or the utilization of a crop rotation seeding of pasture grasses or legumes, including the recommended applications of fertilizer and pesticides, are excluded from these standards and the standards in parts 7050.0224, 7050.0225, and 7050.0227. All other activities in these wetlands must meet water quality standards.

Subp. 7. Additional standards. The following additional standards and requirements apply to all Class 2 waters.

A. For all classes of fisheries aquatic life and recreation waters, the aquatic habitat, which includes the waters of the state and stream bed, shall not be degraded in any material manner, there shall be no material increase in undesirable slime growths or aquatic

plants, including algae, nor shall there be any significant increase in harmful pesticide or other residues in the waters, sediments, and aquatic flora and fauna; the normal fishery and lower aquatic biota upon which it is dependent and the use thereof shall not be seriously impaired or endangered, the species composition shall not be altered materially, and the propagation or migration of the fish and other biota normally present shall not be prevented or hindered by the discharge of any sewage, industrial waste, or other wastes to the waters.

No sewage, industrial waste, or other wastes from point or nonpoint sources shall be discharged into any of the waters of this category so as to cause any material change in any other substances or characteristics which may impair the quality of the waters of the state or the aquatic biota of any of the ~~above listed~~ classes in subparts 2 to 6 or in any manner render them unsuitable or objectionable for fishing, fish culture, or recreational uses. Additional selective limits or changes in the discharge bases may be imposed on the basis of local needs.

~~E-~~ B. To prevent acutely toxic conditions, concentrations of toxic pollutants from point or nonpoint sources must not exceed the FAV as a one-day average at the point of discharge or in the surface water consistent with parts 7050.0210, subpart 5; 7050.0211, subpart 1; 7050.0212, subpart 6; and 7050.0214, subpart 1.

If a discharge is composed of a mixture of more than one chemical, and the chemicals have the same mode of toxic action, the commissioner has the option to apply an additive model to determine the toxicity of the mixture using the following formula:

$$\frac{C1}{FAV1} + \frac{C2}{FAV2} + \dots + \frac{Cn}{FAVn} \text{ equals a value of one or more, an acutely toxic condition is indicated}$$

where: C1 . . . . Cn is the concentration of the first to the nth toxicant.

FAV1 . . . . FAVn is the FAV for the first to the nth toxicant.

~~F-~~ C. To prevent chronically toxic conditions, concentrations of toxic pollutants must not exceed the applicable CS or MS in surface waters outside allowable mixing zones as described in part 7050.0210, subpart 5. The CS and MS will be averaged over the following durations: the MS will be a one-day average; the CS, based on toxicity to aquatic life, will be a four-day average; and the CS, based on human health or wildlife toxicity, will be a 30-day average.

~~G-~~ D. Concentrations of carcinogenic chemicals from point or nonpoint sources, singly or in mixtures, should not exceed a risk level of one chance in 100,000 in surface waters. Carcinogenic chemicals will be considered additive in their effect according to the following formula unless an alternative model is supported by available scientific evidence. The additive formula applies to chemicals that have a human health-based standard calculated with a cancer potency factor.

$$\frac{C1}{CC1} + \frac{C2}{CC2} + \dots + \frac{Cn}{CCn} \text{ equals a value of one or more, a risk level greater than } 10^{-5} \text{ is indicated}$$

where: C1 . . . . Cn is the concentration of the first to the nth carcinogen.

CC1 . . . . CCn is the drinking water plus fish consumption criterion (dfCC) or fish consumption criterion (fCC) for the first to nth carcinogenic chemical.

~~H-~~ E. For carcinogenic or highly bioaccumulative chemicals with BCFs greater than 5,000 or log Kow values greater than 5.19, the human health-based CS may be two or more orders of magnitude smaller than the acute toxicity-based MS. If the commissioner finds that a very large MS and FAV, relative to the CS for such pollutants is not protective of the public health, the MS and FAV shall be reduced according to the following guidelines:

If the ratio of the MS to the CS is greater than 100, the CS times 100 should be substituted for the applicable MS, and the CS times 200 should be substituted for the applicable FAV. Any effluent limitation derived using the procedures of this item shall only be required after the discharger has been given notice of the specific proposed effluent limitations and an opportunity to request a hearing as provided in parts 7000.1000 and 7001.0130.

Subp. ~~3a-~~ 8. **Site-specific modifications of standards.** The standards ~~listed in subpart 3~~ subparts 2 to 6 are subject to review and modification as applied to a specific surface water reach or segment in the course of development of a permit effluent limitation or the evaluation of a remedial action cleanup activity. If site-specific information is available that shows that a site-specific modification

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## Proposed Rules

is more appropriate than the statewide standard for a particular water or reach to be protected by the permit or cleanup activity, the site-specific information will be applied.

The information supporting a site-specific modification can be provided by the commissioner, or by any person outside the agency. The commissioner shall evaluate all data in support of a modified standard and determine whether a change in the standard for a specific water or reach is justified.

Any effluent limitation determined to be necessary based on a modified standard shall only be required after the discharger has been given notice to the specific proposed effluent limitations and an opportunity to request a hearing as provided in parts 7000.1000 and 7001.0130.

### **7050.0223 SPECIFIC STANDARDS OF QUALITY AND PURITY FOR CLASS 3 WATERS OF THE STATE; INDUSTRIAL CONSUMPTION.**

Subpart 1. General. The numerical and narrative water quality standards in this part prescribe the qualities or properties of the waters of the state that are necessary for the industrial consumption designated public uses and benefits. If the standards in this part are exceeded in waters of the state that have the Class 3 designation, it is considered indicative of a polluted condition which is actually or potentially deleterious, harmful, detrimental, or injurious with respect to the designated uses.

Subp. 4. ~~2.~~ Class ~~3.~~ 3A waters; industrial consumption. A. Class 3A. The quality of this class of the Class 3A waters of the state shall be such as to permit their use without chemical treatment, except softening for groundwater, for most industrial purposes, except food processing and related uses, for which a high quality of water is required. The quality shall be generally comparable to Class 1B waters for domestic consumption, except for the following:

<u>Substance or Characteristic</u>	<u>Limit or Range Class 3A Standard</u>
Chlorides (Cl)	50 milligrams per liter
Hardness, Ca + Mg as CaCO <sub>3</sub>	50 milligrams per liter
pH value	6.5 - 8.5

~~B.~~ Subp. 3. Class 3B waters. The quality of this class of the Class 3B waters of the state shall be such as to permit their use for general industrial purposes, except for food processing, with only a moderate degree of treatment. The quality shall be generally comparable to Class 1D waters of the state used for domestic consumption, except the following:

<u>Substance or Characteristic</u>	<u>Limit or Range Class 3B Standard</u>
Chlorides (Cl)	100 milligrams per liter
Hardness, Ca + Mg as CaCO <sub>3</sub>	250 milligrams per liter
pH value	6.0 - 9.0

~~C.~~ Subp. 4. Class 3C waters. The quality of this class of the Class 3C waters of the state shall be such as to permit their use for industrial cooling and materials transport without a high degree of treatment being necessary to avoid severe fouling, corrosion, scaling, or other unsatisfactory conditions. The following shall not be exceeded in the waters of the state:

<u>Substance or Characteristic</u>	<u>Limit or Range Class 3C Standard</u>
Chlorides (Cl)	250 milligrams per liter
Hardness, Ca + Mg as CaCO <sub>3</sub>	500 milligrams per liter
pH value	6.0 - 9.0

Subp. 5. Class 3D waters. The quality of Class 3D wetlands shall be such as to permit their use for general industrial purposes, except for food processing, with only a moderate degree of treatment. The following standards apply:

<u>Substance or Characteristic</u>	<u>Class 3B Standard</u>
Chlorides (Cl)	Maintain background
Hardness, Ca + Mg as CaCO <sub>3</sub>	Maintain background
pH	Maintain background

For the purposes of this subpart, "maintain background" means the concentration of the water quality substance or characteristic shall not deviate from the range of natural background concentrations or conditions such that there is a potential significant adverse impact to the designated uses.

Subp. 6. Additional standards. Additional selective limits may be imposed for any specific waters of the state as needed.

In addition to the above listed standards in subparts 2 to 5, no sewage, industrial waste, or other wastes from point or nonpoint sources, treated or untreated, shall be discharged into or permitted by any person to gain access to any waters of the state classified for industrial purposes so as to cause any material impairment of their use as a source of industrial water supply.

**7050.0224 SPECIFIC STANDARDS OF QUALITY AND PURITY FOR CLASS 4 WATERS OF THE STATE; AGRICULTURE AND WILDLIFE.**

Subpart 1. General. The numerical and narrative water quality standards in this part prescribe the qualities or properties of the waters of the state that are necessary for the agriculture and wildlife designated public uses and benefits. If the standards in this part are exceeded in waters of the state that have the Class 4 designation, it is considered indicative of a polluted condition which is actually or potentially deleterious, harmful, detrimental, or injurious with respect to the designated uses.

Subp. 5- 2. Class 4~~;~~ waters; agriculture and wildlife. A- Class 4A- The quality of ~~this class of the~~ Class 4A waters of the state shall be such as to permit their use for irrigation without significant damage or adverse effects upon any crops or vegetation usually grown in the waters or area, including truck garden crops. The following ~~concentrations or limits~~ standards shall be used as a guide in determining the suitability of the waters for such uses, together with the recommendations contained in Handbook 60 published by the Salinity Laboratory of the United States Department of Agriculture, and any revisions, amendments, or supplements to it:

<u>Substance or Characteristic</u>	<u>Limit or Range Class 4A Standard</u>
Bicarbonates (HCO <sub>3</sub> )	5 milliequivalents per liter
Boron (B)	0.5 milligram per liter
pH value	6.0 - 8.5
Specific conductance	1,000 micromhos per centimeter
Total dissolved salts	700 milligrams per liter
Sodium (Na)	60% of total cations as milliequivalents per liter
Sulfates (SO <sub>4</sub> )	10 milligrams per liter, applicable to water used for production of wild rice during periods when the rice may be susceptible to damage by high sulfate levels.
Radioactive materials	Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use.

B- Subp. 3. Class 4B waters. The quality of ~~this class of the~~ Class 4B waters of the state shall be such as to permit their use by livestock and wildlife without inhibition or injurious effects. The ~~limits or concentrations of~~ standards for substances or characteristics given below shall not be exceeded in the waters of the state:

<u>Substance or Characteristic</u>	<u>Limit or Range Class 4B Standard</u>
pH value	6.0 - 9.0
Total salinity	1,000 milligrams per liter
Radioactive materials	Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use.
Toxic substances	None at levels harmful either directly or indirectly.

Additional selective limits may be imposed for any specific waters of the state as needed.

Subp. 4. Class 4C waters. The quality of Class 4C wetlands shall be such as to permit their use for irrigation and by wildlife and livestock without inhibition or injurious effects and be suitable for erosion control, groundwater recharge, low flow augmentation, stormwater retention, and stream sedimentation. The standards for Classes 4A and 4B waters shall apply to these waters except as listed below:

<u>Substance or Characteristic</u>	<u>Class 4C Standard</u>
<u>pH</u>	<u>Maintain background</u>
<u>Settleable solids</u>	<u>Shall not be allowed in concentrations sufficient to create the potential for significant adverse impacts on one or more designated uses.</u>

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## Proposed Rules

For the purposes of this subpart, "maintain background" means the concentration of the water quality substance or characteristic shall not deviate from the range of natural background concentrations or conditions such that there is a potential significant adverse impact to the designated uses.

### **7050.0225 SPECIFIC STANDARDS OF QUALITY AND PURITY FOR CLASS 5 WATERS OF THE STATE; AESTHETIC ENJOYMENT AND NAVIGATION.**

**Subpart 1. General.** The numerical and narrative water quality standards in this part prescribe the qualities or properties of the waters of the state that are necessary for the aesthetic enjoyment and navigation designated public uses and benefits. If the standards in this part are exceeded in waters of the state that have the Class 5 designation, it is considered indicative of a polluted condition which is actually or potentially deleterious, harmful, detrimental, or injurious with respect to the designated uses.

**Subp. 6- 2. Class 5- waters; aesthetic enjoyment and navigation.** The quality of this class of the Class 5 waters of the state shall be such as to be suitable for aesthetic enjoyment of scenery and to avoid any interference with navigation or damaging effects on property. The following limits or concentrations standards shall not be exceeded in the waters of the state:

Substance or Characteristic	Limit or Range Class 3A Standard
<u>For nonwetlands</u>	
pH value	6.0 - 9.0
Hydrogen sulfide as S	0.02 milligram per liter
<u>For wetlands</u>	
pH value	Maintain background
Hydrogen sulfide as S	Maintain background

For the purposes of this subpart, "maintain background" means the concentration of the water quality substance or characteristic shall not deviate from the range of natural background concentrations or conditions such that there is a potential significant adverse impact to the designated uses.

Additional selective limits may be imposed for any specific waters of the state as needed.

### **7050.0226 SPECIFIC STANDARDS OF QUALITY AND PURITY FOR CLASS 6 WATERS OF THE STATE; OTHER USES.**

**Subpart 1. General.** The numerical and narrative water quality standards in this part prescribe the qualities or properties of the waters of the state that are necessary for other designated public uses and benefits. If the standards in this part are exceeded in waters of the state that have the Class 6 designation, it is considered indicative of a polluted condition which is actually or potentially deleterious, harmful, detrimental, or injurious with respect to the designated uses.

**Subp. 7- 2. Class 6- waters; other uses.** The uses to be protected in this Class 6 waters may be under other jurisdictions and in other areas to which the waters of the state are tributary, and may include any or all of the uses listed in the foregoing categories parts 7050.0221 to 7050.0225, plus any other possible beneficial uses. The agency therefore reserves the right to impose any standards necessary for the protection of this class, consistent with legal limitations.

### **7050.0227 SPECIFIC STANDARDS OF QUALITY AND PURITY FOR CLASS 7 WATERS OF THE STATE; LIMITED RESOURCE VALUE WATERS.**

**Subpart 1. General.** The numerical and narrative water quality standards in this part prescribe the qualities or properties of the waters of the state that have limited resource value designated public uses and benefits. If the standards in this part are exceeded in waters of the state that have the Class 7 designation, it is considered indicative of a polluted condition which is actually or potentially deleterious, harmful, detrimental, or injurious with respect to the designated uses.

**Subp. 8- 2. Class 7- waters; limited resource value waters.** The quality of this class of Class 7 waters of the state shall be such as to protect aesthetic qualities, secondary body contact use, and groundwater for use as a potable water supply. Limits or concentrations Standards of substances or characteristics given below shall not be exceeded in the waters:

Substance or Characteristic	Class 7 Standard
Fecal coliform organisms	Not to exceed 1,000 organisms per 100 milliliters in any calendar month as determined by the logarithmic mean of a minimum of five samples, nor shall more than ten percent of all samples taken during any calendar month individually exceed 2,000 organisms per 100 milliliters. The standard applies only between May 1 and October 31.
pH value	Not less than 6.0 nor greater than 9.0.

**Substance or Characteristic**

Dissolved oxygen

Toxic Pollutants

**Class 7 Standard**

At concentrations with will avoid odors or putrid conditions in the receiving water or at concentrations at not less than 1 mg/l (daily average) provided that measurable concentrations are present at all times.

Toxic pollutants shall not be allowed in such quantities or concentrations that will impair the specified uses.

**7050.0410 LISTED WATERS.**

Those waters of the state, except wetlands, that are specifically listed in part 7050.0470 are, in addition to any classifications listed in part 7050.0470, also classified as Class 3C, 4A, 4B, 5, and 6 class waters. Wetlands that are specifically listed in part 7050.0470 are, in addition to any classifications listed in part 7050.0470, also classified as Class 3D, 4C, 5, and 6 waters.

**7050.0420 TROUT WATERS.**

Trout streams and trout lakes described in Department of Natural Resources Commissioner's orders 2294 (dated March 18, 1988) and 2230 (dated December 24, 1985) respectively identified in part 6262.0400, subpart 3, are classified as trout waters- and are listed under part 7050.0470. Trout streams and their tributaries within the sections specified that are identified in part 6262.0400, subpart 5, are classified as trout waters. Trout streams are listed in part 7050.0470. Other lakes that are classified as trout waters are listed in part 7050.0470. All trout waters are classified as Class 1B, 2A, 3B, 3C, 4A, 4B, 5, and 6 waters.

**7050.0425 UNLISTED WETLANDS.**

Those waters of the state that are wetlands as defined by part 7050.0130, item F, and that are not listed in part 7050.0470 are classified as Class 2D, 3D, 4C, 5, and 6 waters.

**7050.0430 UNLISTED WATERS.**

All surface waters of the state that are not listed in part 7050.0470 and that are not wetlands as defined under part 7050.0130, item F, are hereby classified as Class 2B, 3B, 4A, 4B, 5, and 6 class waters.

**7050.0460 WATERS SPECIFICALLY CLASSIFIED.**

The waters of the state listed in part 7050.0470 are classified as specified. The specific stretch of watercourse or the location of a waterbody is described by township, range, and section, abbreviated as T, R., S., respectively. Any community listed in part 7050.0470 is the community nearest the water classified, and is included solely to assist in identifying the water.

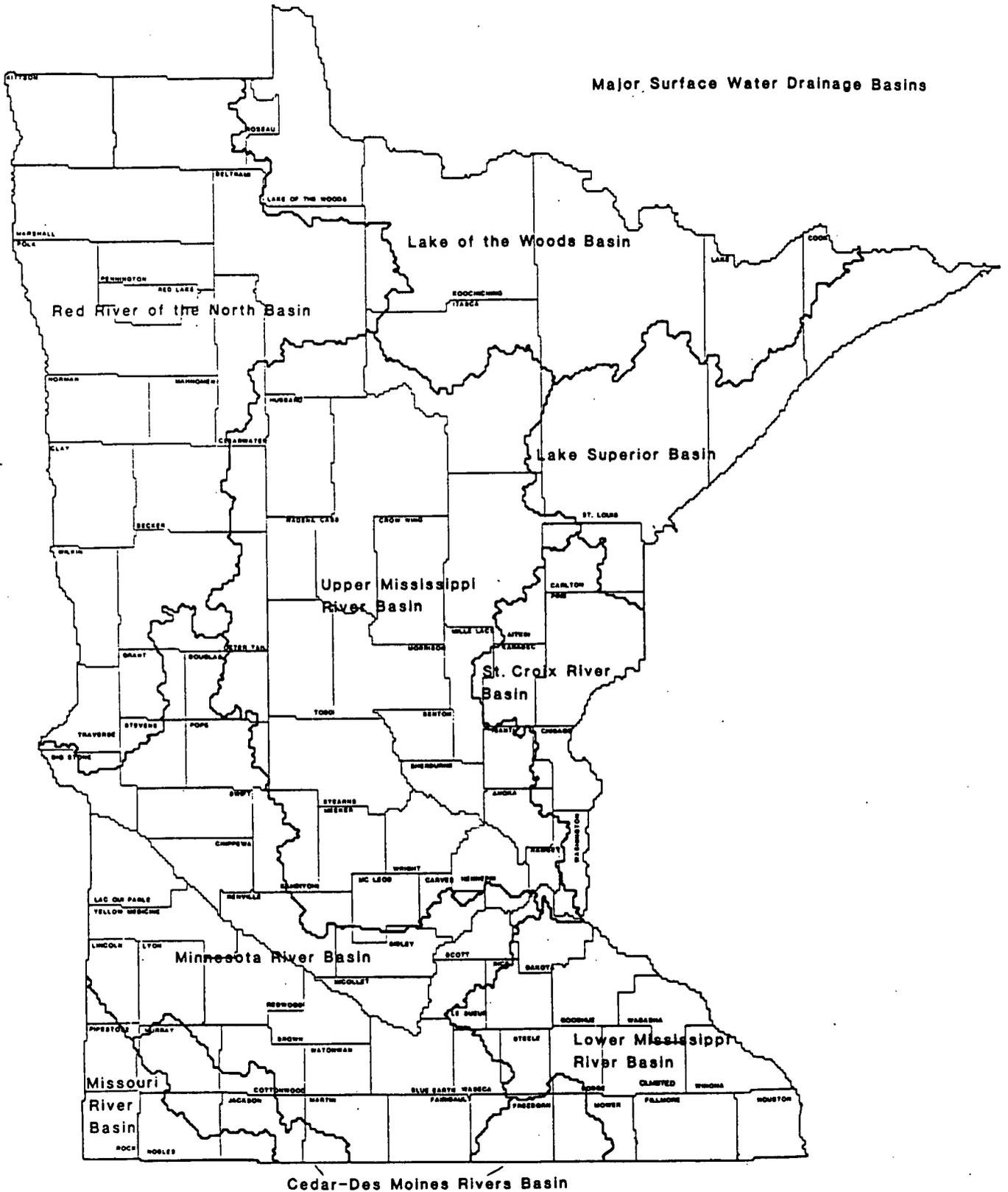
Outstanding resource value waters are listed in part 7050.0470 and are denoted by an asterisk (\*) preceding the name of the water resource. Following the name is the effective date the water resource was designated as an outstanding resource value water and a letter code that corresponds to the applicable discharge restrictions in part 7050.0180, subpart 3 or 6. The letter code P corresponds to the prohibited discharges provision in part 7050.0180, subpart 3. The letter code R corresponds to the restricted discharges provision in part 7050.0180, subpart 6.

Waters listed in part 7050.0470 that are classified as Class 2Bd are Class 2B waters also classified for domestic consumption purposes. Applicable standards for Class 2Bd waters are listed in part ~~7050.0220~~ 7050.0222, subpart 3; ~~item B~~.

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# Proposed Rules

## 7050.0466 MAP: MAJOR SURFACE WATER DRAINAGE BASINS.



7050.0470 CLASSIFICATIONS FOR WATERS IN MAJOR SURFACE WATER DRAINAGE BASINS.

Subpart 1. **Lake Superior Basin.** The water use classifications for the listed waters in the Lake Superior Basin are as identified in items A and B, and D.

A. Streams:

- (1) Ahlenius Creek, (T.53, R.14, S.9, 10): 1B, 2A, 3B;
- (2) Amenda Creek, (T.59, R.5W): 2C;
- (3) Amity Creek, (T.50, R.13, S.5, 6; T.50, R.14, S.1; T.51, R.13, S.31, 32; T.51, R.14, S.26, 27, 28, 35, 36): 1B, 2A, 3B;
- (4) Amity Creek, East Branch (T.51, R.13, S.30, 31; T.51, R.14, S.13, 14, 15, 22, 24, 25, 36): 1B, 2A, 3B;
- (5) Anderson Creek, (T.46, R.17, S.14, 15, 22, 26, 27): 1B, 2A, 3B;
- (6) Anderson Creek, (T.49, R.15, S.16, 17, 18; T.49, R.16, S.12, 13): 1B, 2A, 3B;
- (7) Artichoke Creek, (T.52, R.17, S.7, 17, 18): 1B, 2A, 3B;
- (8) Assinika Creek, (T.63, R.1E, S.1; T.63, R.2E, S.7, 8, 16, 17, 21; T.64, R.1E, S.36; T.64, R.2E, S.31): 1B, 2A, 3B;
- (9) Bally Creek, (T.61, R.1W, S.3, 4, 5, 6, 7, 8, 9, 10, 11; T.61, R.2W, S.12): 1B, 2A, 3B;
- (10) Baptism River, East Branch, (T.57, R.6, S.6; T.57, R.7, S.1, 2, 3, 9, 10, 11, 12, 16, 17, 20; T.58, R.6, S.30, 31; T.58, R.7, S.13, 17, 19, 20, 21, 22, 23, 24, 25, 26, 29, 30, 36; T.58, R.8, S.22, 23, 24, 25, 26): 1B, 2A, 3B;
- (11) Baptism River, Main Branch, (T.56, R.7, S.3, 4, 5, 9, 10, 14, 15; T.57, R.7, S.20, 27, 28, 29, 33, 34): 1B, 2A, 3B;
- (12) Baptism River, West Branch, (T.57, R.7, S.7, 17, 18, 20; T.57, R.8, S.1, 2, 12; T.58, R.8, S.2, 3, 4, 9, 10, 11, 15, 16, 20, 21, 22, 28, 33, 34, 35, 36; T.59, R.8, S.27, 34, 35): 1B, 2A, 3B;
- (13) Barber Creek (East Swan River) (Chisholm Creek) Chisholm, (T.58, R.20, S.21, 22, 26, 27, 34, 35): 7;
- (14) Barker Creek, (T. 60, R.3W, S.5, 6, 7, 8; T.60, R.4W, S.2, 3, 9, 10, 11, 12; T.61, R.4W, S.34, 35): 1B, 2A, 3B;
- (15) Barrs Creek, (T.53, R.13, S.20, 27, 28, 29): 1B, 2A, 3B;
- (16) Bear Trap Creek, (T.51, R.16, S.30; T.51, R.17, S.16, 21, 22, 23, 25, 26, 27, 28): 1B, 2A, 3B;
- (17) Beaver Dam Creek, (T.63, R.3E, S.2, 3, 4, 5; T.64, R.3E, S.32, 33, 34, 35): 1B, 2A, 3B;
- (18) Beaver River, (T.55, R.8, S.2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 16, 17; T.55, R.9, S.1, 2; T.56, R.8, S.31; T.56, R.9, S.4, 5, 6, 8, 9, 16, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 32, 33, 34, 35, 36; T.57, R.9, S.28, 32, 33): 1B, 2A, 3B;
- (19) Beaver River, East Branch, (T.55, R.8, S.2; T.56, R.8, S.4, 5, 6, 8, 9, 15, 16, 21, 22, 25, 26, 27, 35, 36; T.57, R.8, S.7, 18, 19, 30, 31, 32; T.57, R.9, S.2, 3, 11, 12, 13, 14, 15, 23, 24, 25, 26, 36): 1B, 2A, 3B;
- (20) Beaver River, West Branch, (T.55, R.8, S.7, 17, 18; T.55, R.9, S.2, 3, 4, 10, 11, 12, 13, 14): 1B, 2A, 3B;
- (21) Berry Creek (Breda), (T.55, R.12, S.6, 7; T.55, R.13, S.12, 13; T.56, R.11, S.6; T.56, R.12, S.1, 11, 12, 14, 15, 16, 21, 28, 29, 31, 32; T.57, R.11, S.10, 15, 16, 21, 28, 29, 31, 32): 1B, 2A, 3B;
- (22) Blackhoof River, (F. 47, R.16, S.29, 30; T.47, R.17, S.6, 7, 9, 10, 14, 15, 16, 17, 18, 19, 20, 22, 25, 26, 27, 28; T.48, R.17, S.30, 31): 1B, 2A, 3B;
- (23) Blesner Creek, (T.58, R.6, S.20, 29, 30, 31): 1B, 2A, 3B;
- (24) Blind Temperance Creek, (T.60, R.4W, S.19, 29, 30, 32; T.60, R.5W, S.25, 36): 1B, 2A, 3B;
- (25) Bluff Creek, (T.63, R.1W, S.13, 23, 24, 25): 1B, 2A, 3B;
- (26) Boulder Creek, (T.53, 54, R.14): 2C;
- (27) Bruce Creek, (F.53, R.22, S.6, 7; T.53, R.23, S.25, 26; T.54, R.22, S.18, 19, 30, 31; T.54, R.23, S.25, 26): 1B, 2A, 3B;

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## Proposed Rules

- (28) Brule River, (T.62, R.2E, S.1, 2; T.62, R.3E, S.4, 5, 6, 9, 10, 15, 16, 22, 27, 34; T.63, R.2E, S.21, 22, 23, 25, 26, 27, 28, 33, 35, 36; T.63, R.3E, S.30, 31, 32): 1B, 2A, 3B;
- (4) (29) Brule River (excluding trout waters), (T.62, 63, 64, R.1W, 1E, 2E, 3E): 1B, 2Bd, 3B;
- (30) Brule River, Little, (T.62, R.3E, S.19, 20, 29, 32, 33): 1B, 2A, 3B;
- (31) Budd Creek, (T.55, R.9, S.7, 17, 18, 20, 21): 1B, 2A, 3B;
- (5) (32) Buhl Creek, Buhl, (T.58, R.19, S.20, 29): 7;
- (33) \*Burnt Creek, [11/5/84P] (T.62, R.4W, S.8, 9): 1B, 2A, 3B;
- (34) Burnt Creek, (T.62, R.4W, S.16, 17, 20): 1B, 2A, 3B;
- (35) Captain Jacobson Creek, (T.52, R.12, S.1, 2, 3; T.53, R.12, S.33, 34, 35): 1B, 2A, 3B;
- (36) Carey Creek, (T.53, R.14, S.28, 33): 1B, 2A, 3B;
- (37) Caribou Creek, (T.60, R.3W, S.2, 3, 10): 1B, 2A, 3B;
- (38) Caribou River, (T.58, R.6, S.1, 2, 11, 13, 14, 15, 22, 23, 24, 25, 26, 36; T.59, R.5W, S.19, 20, 29, 30, 31; T.59, R.6, S.23, 24, 25, 26, 35, 36): 1B, 2A, 3B;
- (39) Carlson Creek, (T.52, R.12, S.19; R.13, S.14, 15, 23, 24): 1B, 2A, 3B;
- (40) Carlson Creek (Stony Brook), (T.62, R.4E, S.3, 4, 9, 10; T.63, R.4E, S.31, 32, 33, 34): 1B, 2A, 3B;
- (41) Cascade River, (T.60, R.2W, S.1; T.61, R.1W, S.19, 20, 21; T.61, R.2W, S.1, 12, 13, 14, 24, 25, 26, 35, 36; T.62, R.2W, S.10, 11, 14, 15, 16, 22, 23, 24, 25, 36): 1B, 2A, 3B;
- (42) \*Cascade River, [11/5/84P] (T.62, R.2W, S.3): 1B, 2A, 3B;
- (43) Castle Danger Creek (Campers), (T.54, R.9, S.30, 31, 32): 1B, 2A, 3B;
- (44) Cedar Creek, (T.56, R.8, S.13, 14, 23, 24, 26): 1B, 2A, 3B;
- (45) Cedar Creek, (T.59, R.5W, S.2; T.60, R.5W, S.14, 22, 23, 25, 26, 35, 36): 1B, 2A, 3B;
- (46) Cemetery Creek, (T.51, R.17, S.4, 5, 9): 1B, 2A, 3B;
- (47) Chellberg Creek, (T.51, R.16, S.7; T.51, R.17, S.1, 2, 3, 10, 12): 1B, 2A, 3B;
- (48) Chester Creek, (T.50, R.14, S.7, 8, 9, 14, 15, 16, 23): 1B, 2A, 3B;
- (49) Chester Creek, East Branch, (T.50, R.14, S.4, 5, 9, 15, 16): 1B, 2A, 3B;
- (50) Chicken Creek, (T.52, R.16, S.5, 7, 8, 18, 19; T.52, R.17, S.13, 24, 25; T.53, R.16, S.32): 1B, 2A, 3B;
- (51) Clear Creek, (T.46, R.17, S.9, 10, 11, 12, 16, 17, 20, 29): 1B, 2A, 3B;
- (52) Clear Creek, (T.47, R.15, S.7; T.47, R.16, S.1, 2, 3, 4, 12; T.48, R.16, S.33): 1B, 2A, 3B;
- (53) Cliff Creek, (T.61, R.2E, S.3, 4, 5, 9, 10; T.62, R.2E, S.29, 30, 31, 32): 1B, 2A, 3B;
- (54) Cloudy Spring Creek, (T.57, R.9, S.5, 6, 7, 18; T.57, R.10, S.12, 13, 24): 1B, 2A, 3B;
- (55) Colville Creek, East, (T.61, R.3E, S.5; T.62, R.2E, S.25; T.62, R.3E, S.30, 31, 32): 1B, 2A, 3B;
- (56) Coolidge Creek, (T.55, R.14, S.19, 29, 30; T.55, R.15, S.25, 26, 35, 36): 1B, 2A, 3B;
- (6) (57) Cranberry Creek, (T.58, R.13): 2C;
- (58) Cross River, (T.60, R.6, S.13, 24, 25): 1B, 2A, 3B;
- (59) Cross River (Lake), (T.58, R.5W, S.1; T.59, R.5W, S.4, 5, 8, 9, 15, 16, 21, 22, 23, 25, 26, 35, 36; T.60, R.5W, S.30, 31, 32): 1B, 2A, 3B;
- (60) Crow Creek, (T.53, R.10, S.1, 2; T.54, R.10, S.15, 22, 23, 26, 35): 1B, 2A, 3B;
- (61) Crown Creek, (T.57, R.8, S.2, 3, 4, 5, 9, 10, 11; T.58, R.8, S.5, 6, 7, 18, 19, 20, 29, 30, 31, 32, 33; T.58, R.9, S.1, 12, 13, 14, 24, 36; T.59, R.8, S.31, 32): 1B, 2A, 3B;
- (62) Crystal Creek, (T.48, R.16, S.6; T.48, R.17, S.1): 1B, 2A, 3B;
- (63) Cutface Creek (Good Harbor Creek), (T.61, R.1W, S.27, 28, 29, 34): 1B, 2A, 3B;
- (64) Dago Creek, (T.54, R.9, S.18, 19; T.54, R.10, S.2, 11, 12, 13; T.55, R.10, S.27, 34, 35): 1B, 2A, 3B;
- (65) Deer Creek, (T.47, R.16, S.19, 20, 28, 29, 30; T.47, R.17, S.11, 12, 13, 24): 1B, 2A, 3B;

- (66) Deer Yard Creek (Spruce Creek), (T.60, R.2W, S.4, 5, 6, 7, 8, 9, 10, 15, 16, 17; T.61, R.2W, S.32): 1B, 2A, 3B;
- (67) Devil Track River, (T.61, R.1E, S.1, 2, 3, 10, 11, 12, 13; T.62, R.1E, S.26, 31, 32, 33, 34, 35, 36): 1B, 2A, 3B;
- (68) Devil Track River, Little, (T.61, R.1E, S.4, 5, 6, 7, 8, 9, 10; T.61, R.1W, S.1, 2, 11, 12): 1B, 2A, 3B;
- (69) Dragon Creek, (T.57, R.6, S.8, 9, 16, 17, 21): 1B, 2A, 3B;
- (70) Durfee Creek, (T.61, R.2E, S.5, 6, 8; T.62, R.1E, S.25, 36; T.62, R.2E, S.31): 1B, 2A, 3B;
- (71) Dutchess Slough Creek, (T.50, R.17, S.4, 9, 10, 13, 14, 15, 24): 1B, 2A, 3B;
- (72) Egge Creek, (T.57, R.7, S.2, 3, 4, 11): 1B, 2A, 3B;
- (73) Elbow Creek, (T.62, R.1E, S.3, 4, 9, 10, 15, 22, 27, 34; T.63, R.1E, S.33, 34): 1B, 2A, 3B;
- (74) Elbow Creek, Eveleth, (T.57, R.17, S.6; T.57, R.18, S.1): 7;
- (75) Elm Creek, (T.49, R.16, S.1, 2; T.50, R.16, S.35): 1B, 2A, 3B;
- (76) Encampment River, (T.53, R.10, S.3, 10, 11; T.54, R.10, S.8, 16, 17, 21, 27, 28, 34): 1B, 2A, 3B;
- (77) Farquhar Creek, (T.62, R.4E, S.2, 11; T.63, R.4E, S.34, 35): 1B, 2A, 3B;
- (78) \*Fiddle Creek, [11/5/84P] (T.64, R.1W, S.34): 1B, 2A, 3B;
- (79) Fiddle Creek, (T.63, R.1W, S.2, 3, 10, 15; T.64, R.1W, S.35): 1B, 2A, 3B;
- (80) Flute Reed River, (T.62, R.3E, S.1, 2, 3, 10, 11, 12, 13, 14, 15; T.62, R.4E, S.17, 18, 19, 20; T.63, R.3E, S.26, 34, 35, 36): 1B, 2A, 3B;
- (81) Fourmile Creek, (T.60, R.5W, S.17, 18, 19; T.60, R.6, S.24): 1B, 2A, 3B;
- (82) Fox Farm Creek, (T.62, R.1E, S.19, 30): 1B, 2A, 3B;
- (83) French River, (T.51, R.12, S.7, 17, 18; T.51, R.13, S.1, 2, 3, 12; T.52, R.13, S.8, 9, 16, 17, 20, 21, 23, 26, 27, 28, 29, 34, 35): 1B, 2A, 3B;
- (84) Gauthier Creek, (T.62, R.3E, S.16, 20, 21, 22, 27): 1B, 2A, 3B;
- (85) Gill Creek, (T.48, R.16, S.2): 1B, 2A, 3B;
- (86) Gooseberry River, (T.54, R.9, S.18, 19, 20, 21, 22, 27; T.54, R.10, S.4, 5, 6, 8, 9, 10, 11, 12, 13; T.55, R.10, S.4, 9, 16, 17, 20, 29, 30, 31, 32; T.56, R.10, S.33): 1B, 2A, 3B;
- (87) Gooseberry River, Little, (T.54, R.10, S.6; T.54, R.11, S.1; T.55, R.10, S.31; T.55, R.11, S.34, 35, 36): 1B, 2A, 3B;
- (88) Grand Portage Creek, (T.63, R.5E, S.1; T.63, R.6E, S.4, 5, 6; T.64, R.6E, S.31, 32, 33): 1B, 2A, 3B;
- (89) Greenwood River, (T.63, R.2E, S.1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24; T.63, R.3E, S.6; T.64, R.2E, S.34; T.64, R.3E, S.31): 1B, 2A, 3B;
- (90) Hay Creek, (T.49, R.16, S.3, 4, 9, 10, 15; T.50, R.16, S.20, 21, 28, 29, 32, 33): 1B, 2A, 3B;
- (91) Heartbreak Creek, (T.59, R.4W, S.18, 19; T.59, R.5W, S.2, 11, 12, 13; T.60, R.5W, S.27, 28, 33, 34, 35): 1B, 2A, 3B;
- (92) Hellwig Creek, (T.52, R.17, S.3, 10, 14, 15, 23, 26; T.53, R.16, S.16, 18, 19, 20, 30; T.53, R.17, S.13, 14, 23, 24, 25, 26, 34, 35): 1B, 2A, 3B;
- (93) Hockamin Creek, (T.57, R.7, S.17, 18, 19; T.57, R.8, S.13, 16, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34): 1B, 2A, 3B;
- (94) Hollow Rock Creek, (T.63, R.5E, S.9, 10, 11, 14, 15, 16, 23, 24, 25): 1B, 2A, 3B;
- (95) Honeymoon Creek (Spring Creek), (T.61, R.4W, S.28, 31, 32, 33): 1B, 2A, 3B;
- (96) Hornby Junction Creek, (T.55, R.13, S.5, 6, 7; T.56, R.13, S.28, 32, 33): 1B, 2A, 3B;
- (97) Horn Creek, (T.62, R.4W): 1B, 2Bd, 3B;

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## Proposed Rules

- (98) Houghtaling Creek, (T.59, R.6, S.2, 3, 4, 5, 6; T.60, R.6, S.25, 32, 33, 35, 36): 1B, 2A, 3B;
- (99) Humphrey Creek, (T.54, R.14, S.23, 26, 27, 33, 34): 1B, 2A, 3B;
- (100) Hunter Creek, (T.46, R.18, S.2, 11, 12, 13; T.47, R.18, S.34, 35): 1B, 2A, 3B;
- (101) Indian Camp Creek, (T.60, R.2W, S.3, 10, 11; T.61, R.2W, S.34): 1B, 2A, 3B;
- (102) Indian Creek, (T.55, R.12, S.3; T.56, R.12, S.14, 22, 23, 27, 34): 1B, 2A, 3B;
- (103) Irish Creek, (T.63, R.3E, S.8, 9, 10, 13, 14, 15, 23, 24, 25, 26; T.63, R.4E, S.17, 18, 19): 1B, 2A, 3B;
- (104) Joe Martin Creek, (T.50, R.18, S.3, 4, 5, 7, 8; T.50, R.19, S.12): 1B, 2A, 3B;
- (105) Johnson Creek, (T.50, R.17, S.3, 10, 11, 14; T.51, R.17, S.34): 1B, 2A, 3B;
- (106) Johnson Creek, (T.55, R.12, S.35, 36): 1B, 2A, 3B;
- (107) Jonvick Creek, (T.60, R.2W, S.19; T.60, R.3W, S.12, 13, 14, 24): 1B, 2A, 3B;
- (108) Junco Creek, (T.62, R.1W, S.1, 2, 9, 10, 11, 12, 13, 14, 15, 16, 21, 28; T.62, R.1E, S.6, 7; T.63, R.1E, S.20, 29, 30, 31; T.63, R.1W, S.24, 25): 1B, 2A, 3B;
- (109) Kadunce Creek, (T.61, R.2E, S.2; T.62, R.2E, S.9, 10, 12, 13, 14, 15, 16, 22, 23, 24, 26, 35): 1B, 2A, 3B;
- (110) Keene Creek, (T.49, R.14, S.18; T.49, R.15, S.1, 12, 13; T.50, R.15, S.24, 25, 36): 1B, 2A, 3B;
- (111) Kehtel Creek, (T.51, R.15, S.8, 17, 18, 19, 20): 1B, 2A, 3B;
- (112) Kennedy Creek, (T.57, R.7, S.35, 36): 1B, 2A, 3B;
- (113) Kimball Creek, (T.61, R.2E, S.3, 4, 10; T.62, R.2E, S.7, 16, 17, 18, 19, 20, 21, 28, 29, 33, 34): 1B, 2A, 3B;
- (114) Kingsbury Creek, (T.49, R.15, S.4, 9, 10, 11, 13, 14; T.50, R.15, S.33, 34): 1B, 2A, 3B;
- (115) Kinney Creek, (T.57, R.10, S.15, 21, 22, 28, 33): 1B, 2A, 3B;
- (116) Kinney Creek, (T.58, R.19, S.11): 1B, 2A, 3B;
- (117) Knife River, (T.52, R.11, S.4, 5, 8, 9, 17, 18, 19, 31; T.53, R.11, S.4, 5, 7, 8, 17, 18, 20, 29, 32, 33; T.54, R.11, S.20, 29, 30, 32; T.52, R.12, S.24, 25, 36): 1B, 2A, 3B;
- (118) Knife River, Little, (T.52, R.12, S.16, 17, 21, 22, 23, 26, 27, 28, 35, 36): 1B, 2A, 3B;
- (119) Knife River, Little, East Branch, (T.53, R.11, S.17, 20, 21, 22, 27, 33, 34): 1B, 2A, 3B;
- (120) Knife River, Little, West Branch, (T.52, R.11, S.5, 6; T.53, R.11, S.31; T.53, R.12, S.13, 14, 23, 24, 25, 26, 36): 1B, 2A, 3B;
- (121) Knife River, West Branch, (T.52, R.11, S.5, 6, 8; T.52, R.12, S.1; T.53, R.12, S.2, 3, 10, 15, 16, 22, 23, 27, 28, 34, 35, 36; T.54, R.12, S.35, 36): 1B, 2A, 3B;
- (122) Koski Creek, (T.61, R.4W, S.5, 8; T.62, R.4W, S.31, 32): 1B, 2A, 3B;
- (123) Last Creek, (T.58, R.5W, S.16, 17): 1B, 2A, 3B;
- (124) Lavi Creek, (T.52, R.15, S.21, 28): 1B, 2A, 3B;
- (125) Leppanen Creek, (T.57, R.7, S.15, 21, 22, 28): 1B, 2A, 3B;
- (126) Lester River, (T.50, R.13, S.4, 5, 8; T.51, R.13, S.5, 6, 7, 8, 16, 17, 18, 19, 20, 21, 28, 32, 33; T.51, R.14, S.1, 2, 10, 11, 12, 13, 15, 16, 24; T.52, R.13, S.31, 32; T.52, R.14, S.21, 22, 23, 27, 28, 34, 35): 1B, 2A, 3B;
- (127) Lindstrom Creek, (T.56, R.7, S.4; T.57, R.7, S.19, 30, 31, 32, 33; T.57, R.8, S.25): 1B, 2A, 3B;
- (128) Lullaby Creek, (T.63, R.1E, S.4, 5, 8, 9): 1B, 2A, 3B;
- (9) (129) Manganika Creek, Virginia, (T.58, R.17, S.19; T.58, R.18, S.24): 7;
- (130) Manitou River, (T.57, R.6, S.3, 4, 10, 11; T.58, R.6, S.4, 5, 6, 7, 8, 16, 17, 18, 20, 21, 28, 29, 32, 33, 34): 1B, 2A, 3B;
- (131) Manitou River, Little, (T.57, R.6, S.2; T.58, R.6, S.34, 35): 1B, 2A, 3B;
- (132) Manitou River, North Branch, (T.58, R.6, S.6; T.58, R.7, S.1, 2; T.59, R.6, S.31; T.59, R.7, S.15, 16, 18, 19, 20, 21, 22, 25, 26, 27, 28, 33, 34, 35, 36; T.59, R.8, S.1, 2, 12, 13, 23, 24, 25, 26): 1B, 2A, 3B;
- (133) Manitou River, South Branch, (T.58, R.6, S.6; T.58, R.7, S.1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 16, 17, 18; T.58, R.8, S.1, 2; T.59, R.7, S.29, 30, 31, 32, 33): 1B, 2A, 3B;

- (134) Marais River, Little, (T.57, R.6, S.5, 8, 16, 17, 21): 1B, 2A, 3B;
- (135) Mark Creek, (T.61, R.2W, S.1, 2, 3, 4, 5, 6, 9): 1B, 2A, 3B;
- (136) Marshall Creek, (T.52, R.15, S.10, 15): 1B, 2A, 3B;
- (137) Martin Creek, (T.58, R.6, S.2, 3, 11): 1B, 2A, 3B;
- (138) McCarthy Creek, (T.53, R.11, S.18; T.53, R.12, S.12, 13): 1B, 2A, 3B;
- (139) Midway River, (T.49, R.15, S.5, 6; T.49, R.16, S.1, 12, 13, 14, 15, 21, 22; T.50, R.15, S.7, 8, 14, 15, 16, 17, 20, 21, 22, 23, 28, 29, 32, 33): 1B, 2A, 3B;
- (140) Mile Post Forty-Three Creek, (T.56, R.8, S.2, 3, 9, 10, 11, 13, 14, 15): 1B, 2A, 3B;
- (141) Miller Creek, (T.49, R.14, S.4; T.50, R.14, S.6, 18, 19, 29, 30, 32, 33; T.50, R.15, S.12, 13; T.51, R.14, S.31, 32): 1B, 2A, 3B;
- (142) Mink Creek, (T.54, R.9, S.4, 5, 9; T.55, R.9, S.30, 31, 32; T.55, R.10, S.25, 26, 36): 1B, 2A, 3B;
- (143) Mission Creek, (T.48, R.15, S.5, 6; T.49, R.15, S.31; T.49, R.16, S.25, 26, 36): 1B, 2A, 3B;
- (144) Mississippi Creek, (T.61, R.2W, S.1, 2, 3; T.61, R.3W, S.1; T.62, R.2W, S.31, 32, 33, 34, 35, 36; T.62, R.3W, S.24, 25, 35, 36): 1B, 2A, 3B;
- (145) Mississippi Creek, Little, (T.62, R.2W, S.20, 21, 26, 29, 32, 33, 34, 35): 1B, 2A, 3B;
- (146) Mistletoe Creek, (T.60, R.3W, S.3, 4; T.61, R.2W, S.7, 18, 19; T.61, R.3W, S.11, 13, 14, 15, 23, 24, 25, 26, 34, 35): 1B, 2A, 3B;
- (147) Monker Creek, (T.61, R.1E, S.6, 7; T.62, R.1E, S.31; T.62, R.1W, S.36): 1B, 2A, 3B;
- (148) Mons Creek, (T.62, R.3E, S.4; T.63, R.3E, S.28, 29, 33): 1B, 2A, 3B;
- (149) Moose Creek, (T.59, R.6, S.31, 32, 33, 34): 1B, 2A, 3B;
- (150) Mud Creek, (T.47, R.15, S.18; T.47, R.16, S.5, 6, 8, 9, 10, 11, 13, 14, 15, 16): 1B, 2A, 3B;
- (151) Mud Creek, (T.54, R.12, S.20, 21, 22, 29, 30): 1B, 2A, 3B;
- (152) Mud Creek, (T.62, R.1E, S.8, 9, 16, 17, 21, 22): 1B, 2A, 3B;
- (153) Mud Creek, Little, (T.57, R.11, S.11, 12, 14, 22, 23): 1B, 2A, 3B;
- (154) Murmur Creek, (T.61, R.2W, S.15, 20, 21, 22, 29, 30): 1B, 2A, 3B;
- (155) Murphy Creek, (T.56, R.11, S.4, 5, 8, 17, 18, 19; T.57, R.10, S.4, 7, 8, 9, 18; T.57, R.11, S.11, 12, 13, 14, 21, 22, 23, 24, 26, 27, 28, 33, 34): 1B, 2A, 3B;
- (156) Myhr Creek, (T.62, R.3E, S.23, 24, 26): 1B, 2A, 3B;
- (157) Nemadji Creek, (T.46, R.17, S.7, 8, 9, 18; T.46, R.18, S.13, 14, 15, 16, 22): 1B, 2A, 3B;
- (158) Nemadji River, North Fork, (T.46, R.17, S.1, 2, 3, 8, 9, 10, 17, 18, 19, 31, 32, 33; T.46, R.18, S.24, 25, 36; T.47, R.15, S.19, 30; T.47, R.16, S.23, 24, 25, 26, 27, 28, 29, 31, 32; T.47, R.17, S.35, 36): 1B, 2A, 3B;
- (159) Nemadji River, South Fork, (T.46, R.16, S.4, 5, 6, 7; T.46, R.17, S.1, 11, 12; T.47, R.15, S.30; T.47, R.16, S.25, 33, 34, 35, 36): 1B, 2A, 3B;
- (160) Nestor, (T.61, R.1W, S.4, 5, 6; T.61, R.2W, S.1; T.62, R.1W, S.31, 32, 33): 1B, 2A, 3B;
- (161) Net River, (T.45, R.16, S.6; T.45, R.17, S.1; T.46, R.16, S.3, 4, 8, 9, 17, 20, 21, 29, 31, 32, 33; T.47, R.16, S.34): 1B, 2A, 3B;
- (162) Net River, Little, (T.46, R.16, S.3, 10, 15, 22, 26, 27, 34): 1B, 2A, 3B;
- (163) Nicadood Creek, (T.56, R.7, S.7; T.56, R.8, S.1, 12; T.57, R.8, S.25, 35, 36): 1B, 2A, 3B;
- (164) Nine Mile Creek, (T.58, R.6, S.3, 4, 9, 16, 17; T.59, R.6, S.27, 28, 33, 34): 1B, 2A, 3B;
- (165) Oliver Creek (Silver), (T.57, R.7, S.5, 6; T.57, R.8, S.1; T.58, R.7, S.31, 32): 1B, 2A, 3B;

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## Proposed Rules

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- (166) Onion Creek, (T.59, R.4W, S.1, 2, 3, 4, 12; T.60, R.4W, S.24, 25, 26, 35, 36): 1B, 2A, 3B;
- (167) Otter Creek, Big, (T.48, R.16, S.7; T.48, R.17, S.3, 4, 10, 11, 12; T.49, R.17, S.19, 20, 26, 27, 28, 29, 30, 32, 33, 34, 35; T.49, R.18, S.25, 26): 1B, 2A, 3B;
- (168) Otter Creek, Little, (T.48, R.17, S.7, 10, 15, 16, 17, 18; T.48, R.18, S.11, 12, 13, 14): 1B, 2A, 3B;
- (169) Palisade Creek, (T.56, R.7, S.16, 17, 18, 19, 20, 21, 22; T.56, R.8, S.24): 1B, 2A, 3B;
- (170) Pancake Creek, (T.54, R.22, S.20, 28, 29, 32, 33): 1B, 2A, 3B;
- (113) Pancake Creek, (T.60, R.4W, S.17, 18; T.60, R.5W, S.11, 13, 14): 1B, 2A, 3B;
- (172) Pecore Creek, (T.61, R.4W, S.19, 20, 21): 1B, 2A, 3B;
- (173) Peters Creek, (T.54, R.22, S.22, 23, 27, 28): 1B, 2A, 3B;
- ~~(174)~~ (174) Pigeon River (South of Fowl Lake to Pigeon Bay of Lake Superior): 1B, 2Bd, 3A;
- (175) Pike Lake Creek, (T.61, R.2W, S.10, 11, 15): 1B, 2A, 3B;
- (176) Pine Mountain Creek, (T.63, R.1E, S.23, 26, 27, 28, 33): 1B, 2A, 3B;
- (177) Pine River (White Pine River), (T.50, R.16, S.4, 8, 9, 15, 16, 17, 18, 19, 20, 21, 29, 30, 32; T.50, R.17, S.23, 24, 26): 1B, 2A, 3B;
- (178) Plouff Creek, (T.61, R.4W, S.17, 18; T.61, R.5W, S.2, 3, 11, 13, 14, 15, 23; T.62, R.5W, S.26, 34, 35): 1B, 2A, 3B;
- (179) \*Plouff Creek [11/5/84P] (T.62, R.5W, S.23): 1B, 2A, 3B;
- (180) Poplar River, (T.60, R.3W, S.3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 19, 20, 21, 28, 33; T.61, R.3W, S.30, 31; T.61, R.4W, S.10, 13, 14, 15, 22, 23, 25, 26, 36): 1B, 2A, 3B;
- (181) Portage Brook, (T.64, R.3E, S.24, 25, 26, 27, 28, 29, 32, 33, 34; T.64, R.4E, S.19, 20): 1B, 2A, 3B;
- (182) Railroad Creek, (T.50, R.17, S.1, 11, 12, 14): 1B, 2A, 3B;
- (183) Red River, (T.48, R.15, S.30; T.48, R.16, S.25, 26): 1B, 2A, 3B;
- (184) Red Rock Creek, (T.63, R.5E, S.21, 22, 26, 27, 28, 35): 1B, 2A, 3B;
- (185) Reservation River, (T.62, R.5E, S.6; T.63, R.4E, S.23, 25, 26, 36; T.63, R.5E, S.16, 17, 18, 19, 20, 21, 29, 30, 31): 1B, 2A, 3B;
- (186) Rock Creek, (T.47, R.16, S.7, 17, 18, 20, 21, 22, 23, 24; T.47, R.17, S.12): 1B, 2A, 3B;
- (187) Rock Cut Creek, (T.58, R.6, S.18, 19, 20; T.58, R.7, S.13): 1B, 2A, 3B;
- (188) Rocky Run Creek, (T.49, R.15, S.6; T.50, R.15, S.30, 31; T.50, R.16, S.11, 12, 13, 24, 25): 1B, 2A, 3B;
- (189) Rollins Creek, (T.59, R.3W, S.6; T.60, R.3W, S.29, 30, 31; T.60, R.4W, S.36): 1B, 2A, 3B;
- (190) Rosebush Creek (Fall River), (T.61, R.1W, S.13, 23, 24, 25; T.61, R.1E, S.18): 1B, 2A, 3B;
- (191) Ross Creek, (T.52, R.13, S.1, 2, 3, 4, 5; T.53, R.13, S.33): 1B, 2A, 3B;
- (192) Ryan Creek, (T.55, R.14, S.14, 15, 22): 1B, 2A, 3B;
- (193) Sargent Creek, (T.48, R.15, S.4, 5, 9, 10; T.49, R.15, S.28, 29, 32): 1B, 2A, 3B;
- (194) Sawbill Creek, (T.62, R.4W, S.7, 18, 19, 20, 28, 29, 30; T.62, R.5W, S.25): 1B, 2A, 3B;
- (195) Sawmill Creek, (T.57, R.6, S.18; T.57, R.7, S.1, 12, 13, 22, 23, 24, 26, 27, 34): 1B, 2A, 3B;
- (196) Scanlon Creek, (T.49, R.16, S.30; T.49, R.17, S.25): 1B, 2A, 3B;
- (197) Schmidt Creek, (T.51, R.12, S.17): 1B, 2A, 3B;
- (198) Schoolhouse Creek, (T.58, R.7, S.35, 36): 1B, 2A, 3B;
- (199) Section 15 Creek, (T.58, R.5W, S.9, 10, 15): 1B, 2A, 3B;
- (200) Section 16 Creek, (T.58, R.5W, S.16): 1B, 2A, 3B;
- (201) Section 29 Creek, (T.58, R.5W, S.29, 30): 1B, 2A, 3B;
- (202) Section 36 Creek, (T.46, R.16, S.1, 2, 11, 12, 13; T.47, R.16, S.36): 1B, 2A, 3B;
- (203) Silver Creek, (T.48, R.16, S.15, 16, 17, 21, 28, 29): 1B, 2A, 3B;

- (204) Silver Creek, (T.53, R.10, S.6, 7, 16, 17, 18, 21; T.53, R.11, S.1; T.54, R.10, S.18, 19, 30; T.54, R.11, S.11, 12, 13, 25, 36): 1B, 2A, 3B;
- (205) Silver Creek, Big, (T.46, R.17, S.14, 23, 24, 25, 36): 1B, 2A, 3B;
- (206) Silver Creek, East Branch, (T.53, R.10, S.5, 8, 9, 16, 21): 1B, 2A, 3B;
- (207) Sixmile Creek, (T.60, R.4W, S.13, 14, 15, 22, 23, 27, 28, 33): 1B, 2A, 3B;
- (208) Skunk Creek, (T.54, R.9, S.4, 9, 16, 17, 20; T.55, R.9, S.19, 29, 30, 32, 33; T.55, R.10, S.13, 14, 24): 1B, 2A, 3B;
- (209) Skunk Creek, (T.46, R.17, S.4, 5, 6; T.47, R.17, S.31, 33, 34, 35, 36; T.47, R.18, S.36): 1B, 2A, 3B;
- (210) Spider Creek, (T.52, R.18, S.19, 20, 21, 22, 27, 28, 29, 30; T.52, R.19, S.9, 10, 13, 14, 15, 24): 1B, 2A, 3B;
- (211) Split Rock River, (T.54, R.8, S.6, 7; T.54, R.9, S.1, 2, 12; T.55, R.9, S.26, 28, 34, 35, 36): 1B, 2A, 3B;
- (212) Split Rock River, East Branch, (T.55, R.9, S.4, 5, 6, 9, 10, 14, 15, 22, 23, 24, 25, 26; T.56, R.9, S.30, 31, 32; T.56, R.10, S.1, 11, 12, 13, 14, 23, 24, 25): 1B, 2A, 3B;
- (213) Split Rock River, West Branch, (T.55, R.9, S.6, 7, 8, 16, 17, 21, 22, 26, 27, 28; T.55, R.10, S.1; T.56, R.10, S.22, 26, 27, 33, 34, 35, 36): 1B, 2A, 3B;
- (214) Spring Creek, (T.46, R.17, S.3, 4, 5, 6): 1B, 2A, 3B;
- (215) Spring Creek, (T.54, R.12, S.1, 2): 1B, 2A, 3B;
- (216) Squaw Creek, (T.49, R.17, S.9, 16, 17, 18, 19, 20, 21): 1B, 2A, 3B;
- (217) Stanley Creek, (T.52, R.11, S.18, 19; T.52, R.12, S.4, 5, 8, 9, 10, 11, 12, 13): 1B, 2A, 3B;
- (218) State Line Creek, (T.46, R.15, S.6, 7, 18, 19, 30, 31; T.46, R.16, S.12, 13, 24, 25, 36; T.47, R.15, S.30, 31): 1B, 2A, 3B;
- (219) Stewart Creek, (T.49, R.15, S.21, 22, 26, 27): 1B, 2A, 3B;
- (220) Stewart River, (T.53, R.10, S.18, 19, 20, 29; T.53, R.11, S.2, 3, 10, 11, 13, 14, 15; T.54, R.11, S.3, 4, 10, 15, 22, 26, 27, 34, 35): 1B, 2A, 3B;
- (221) Stewart River, (T.55, R.11, S.7; T.55, R.12, S.12, 13): 1B, 2A, 3B;
- (222) Stewart River, Little, (T.53, R.10, S.19, 20, 29; T.53, R.11, S.9, 15, 16, 22, 23, 24): 1B, 2A, 3B;
- (223) Stickle Creek, (T.63, R.1W, S.1, 2, 11, 12, 14): 1B, 2A, 3B;
- (224) Stone Creek, (T.61, R.2E, S.2, 3; T.62, R.2E, S.21, 22, 27, 34, 35): 1B, 2A, 3B;
- (225) Stoney Creek (Rock), (T.55, R.9, S.30; T.55, R.10, S.20, 23, 24, 25, 27): 1B, 2A, 3B;
- (226) Stony Brook, (T.46, R.17, S.10, 11, 15, 16, 21): 1B, 2A, 3B;
- (227) Stony Creek, Little, (T.63, R.2E, S.4, 5, 9; T.64, R.2E, S.31, 32, 33): 1B, 2A, 3B;
- (228) Stream Number 30, (T.54, R.8, S.5, 6; T.55, R.8, S.19, 30, 31): 1B, 2A, 3B;
- (229) Stumble Creek, (T.59, R.5W, S.16, 21, 22, 26, 27, 28): 1B, 2A, 3B;
- (230) Sucker River, (T.51, R.12, S.3, 4, 10; T.52, R.12, S.18, 19, 29, 30, 31, 32, 33; T.52, R.13, S.1, 12, 13, 24, 25; T.53, R.12, S.19, 20, 30, 31; T.53, R.13, S.24, 25, 36): 1B, 2A, 3B;
- (231) Sucker River, Little, (T.51, R.12, S.2, 3): 1B, 2A, 3B;
- (232) Sugar Loaf Creek, (T.58, R.5W, S.17, 19, 20, 29): 1B, 2A, 3B;
- (233) Sullivan Creek, (T.56, R.11, S.1, 2, 10, 11, 15; T.57, R.10, S.19, 30; T.57, R.11, S.24, 25, 36): 1B, 2A, 3B;
- (234) Sundling Creek, (T.61, R.1W, S.10, 11, 14, 15, 16, 17, 18; T.61, R.2W, S.13): 1B, 2A, 3B;
- (235) Swamp River, (T.63, R.3E, S.25, 26, 36; T.63, R.4E, S.20, 29, 30; T.64, R.4E, S.21, 27, 28): 1B, 2A, 3B;
- (236) Swamper Creek, (T.64, R.1E, S.20, 29, 32): 1B, 2A, 3B;

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## Proposed Rules

- (237) Swan Creek, East, (T.56, R.20, S.3, 4, 5, 10, 11): 1B, 2A, 3B;
- (238) Swan Creek, Little, (T.56, R.19, S.17, 19, 20, 30; T.56, R.20, S.25, 26, 35): 1B, 2A, 3B;
- (239) Swan River, East, (T.55, R.19, S.18, 19, 30, 31; T.55, R.20, S.1, 2, 12, 13; T.56, R.20, S.2, 3, 11, 14, 23, 26, 27, 35; T.57, R.20, S.28, 33, 34): 1B, 2A, 3B;
- (~~41~~) (240) Swan River, West, (T.55, R.20, 21): 2C;
- (241) Swanson Creek, (T.61, R.4W, S.6, 7, 8; T.61, R.5W, S.1): 1B, 2A, 3B;
- (242) Tait River, (T.60, R.3W, S.4; T.61, R.3W, S.28, 33): 1B, 2A, 3B;
- (243) Talmadge Creek, (T.51, R.12, S.19; T.51, R.13, S.9, 10, 13, 14, 15, 24): 1B, 2A, 3B;
- (244) Temperance River, (T.59, R.4W, S.5, 6, 7, 8, 18, 19, 30, 31, 32; T.60, R.4W, S.5, 6, 7, 8, 17, 20, 28, 29, 32, 33; T.61, R.4W, S.4, 8, 9, 16, 17, 19, 20, 30, 31): 1B, 2A, 3B;
- (~~42~~) (245) Temperance River (excluding trout waters), (T.59, 60, 61, 62, R.4W): 1B, 2Bd, 3B;
- (246) Thirty-nine Creek, Big, (T.56, R.8, S.19, 30, 31; T.56, R.9, S.1, 2, 3, 9, 11, 12, 13, 14, 15, 22, 23, 24, 25; T.57, R.9, S.22, 26, 27, 35, 36): 1B, 2A, 3B;
- (247) Thirty-nine Creek, Little, (T.56, R.8, S.6, 7, 8, 17, 18, 19, 20, 29, 30; T.56, R.9, S.1, 12): 1B, 2A, 3B;
- (248) Thompson Creek, (T.62, R.1W, S.17, 19, 20; T.62, R.2W, S.24): 1B, 2A, 3B;
- (249) Tikkanen Creek, (T.57, R.7, S.5, 6, 8, 16, 17): 1B, 2A, 3B;
- (250) Timber Creek, (T.62, R.1E, S.1; T.63, R.1E, 2W, S.25, 36; T.63, R.2E, S.31): 1B, 2A, 3B;
- (251) Tischer Creek (Congdon Creek/Hartley), (T.50, R.14, S.2, 3, 4, 10, 11, 13, 14; T.51, R.14, S.29, 33, 34): 1B, 2A, 3B;
- (252) Torgenson Creek, (T.61, R.4W, S.30; T.61, R.5W, S.24, 25): 1B, 2A, 3B;
- (253) Tower Creek, (T.55, R.14, S.8, 9, 17, 18, 19; T.55, R.15, S.24, 25, 26): 1B, 2A, 3B;
- (254) Tower Creek, (T.57, R.7, S.9): 1B, 2A, 3B;
- (~~43~~) (255) Trappers Creek, (T.56, R.11, S.2, 3, 9, 10, 16, 17, 19, 20; T.57, R.11, S.35): ~~2C~~ 1B, 2A, 3B;
- (256) Trout Brook, (T.54, R.22, S.1): 1B, 2A, 3B;
- (257) Twin Points Creek, (T.54, R.9, S.10, 11, 13, 14): 1B, 2A, 3B;
- (258) Two Island River, (T.58, R.5W, S.2, 3, 4, 11; T.59, R.5W, S.7, 8, 17, 18, 20, 21, 27, 28, 29, 31, 32, 33, 34; T.59, R.6, S.11, 12): 1B, 2A, 3B;
- (259) Ugstad Creek, (T.51, R.15, S.21, 22, 26, 27, 28): 1B, 2A, 3B;
- (260) Unnamed Creek, (T.46, R.16, S.19, 29, 30; T.47, R.17, S.13, 14, 21): 1B, 2A, 3B;
- (261) Unnamed Creek, (T.47, R.17, S.28, 29, 33, 34, 35): 1B, 2A, 3B;
- (262) Unnamed Creek, (T.47, R.17, S.31, 32, 33, 34): 1B, 2A, 3B;
- (263) Unnamed Creek, (T.55, R.8, S.20, 21, 29, 32, 33): 1B, 2A, 3B;
- (~~44~~) (264) Unnamed Creek, Meadowlands, (T.53, R.19, S.22, 23): 7;
- (~~45~~) Unnamed Ditch, Eveleth, (T.57, R.17, S.6): 7;
- (~~46~~) (265) Unnamed Ditch, Gilbert, (T.58, R.17, S.23, 24, 25, 36): 7; and
- (266) Us-kab-wan-ka (Rush), (T.52, R.16, S.2, 11, 14, 23; T.53, R.15, S.5, 6; T.53, R.16, S.1, 11, 12, 14, 15, 22, 23, 27, 34, 35; T.54, R.15, S.23, 24, 26, 27, 32, 33, 34): 1B, 2A, 3B;
- (267) Wanless Creek, (T.60, R.6, S.27, 33, 34, 35, 36): 1B, 2A, 3B;
- (268) Whyte Creek, (T.57, R.10, S.1, 2, 11, 14, 23, 26, 27, 34): 1B, 2A, 3B;
- (269) Woods Creek, (T.61, R.1E, S.1, 12, 13; T.62, R.1E, S.35, 36): 1B, 2A, 3B;
- (270) Wyman Creek, (T.58, R.14, S.3, 4; T.59, R.14, S.11, 13, 14, 23, 24, 26, 27, 34, 35): 1B, 2A, 3B; and
- (~~47~~) (271) \*All other streams in the Boundary Waters Canoe Area Wilderness [11/5/84P]: 1B, 2Bd, 3B.
- B. Lakes:
- (1) \*Alder Lake, [11/5/84P] (T.64, R.1E): 1B, 2A, 3B;

- (2) \*Alton Lake, [11/5/84P] (T.62, 63, R.4, 5): 1B, 2A, 3B;  
 (3) Bath Lake, (T.62, R.1W, S.5, 6; T.63, R.1W, S.31, 32): 1B, 2A, 3B;  
 (4) Bean Lake (Lower Twin), (T.56, R.8W, S.25, 26): 1B, 2A, 3B;  
 (5) Bear Lake (Upper Twin), (T.56, R.8W, S.25): 1B, 2A, 3B;  
 (3) (6) Bearskin Lake, East, (T.64, R.1E, 1W): 1B, 2A, 3B;  
 (4) (7) \*Bearskin Lake, West, [3/7/88R] (T.64, 65, R.1): 1B, 2A, 3B;  
 (8) \*Bench Lake, [11/5/84P] (T.64, 2E, S.6): 1B, 2A, 3B;  
 (9) Benson Lake, (T.58, R.6W, S.29, 32): 1B, 2A, 3B;  
 (5) (10) \*Birch Lake, [3/7/88R] (T.65, R.1, 2): 1B, 2A, 3B;  
 (6) (11) \*Black Lake, [3/7/88P] (T.45, R.15): 1B, 2Bd, 3B;  
 (12) Bogus Lake, (T.62, R.2E, S.12): 1B, 2A, 3B;  
 (13) Bone Lake, (T.61, R.6W, S.13, 14): 1B, 2A, 3B;  
 (14) Boys Lake, (T.62, R.2E, S.5, 8): 1B, 2A, 3B;  
 (15) Briar Lake, (T.53, R.13W, S.14, 15, 23): 1B, 2A, 3B;  
 (7) (16) \*Brule Lake, [11/5/84P] (T.63, R.2, 3): 1B, 2A, 3B;  
 (17) Canton Mine Pit Lake, (T.58, R.16, S.2, 3): 1C, 2Bd, 3B;  
 (18) Carrot Lake, (T.64, R.2E, S.17): 1B, 2A, 3B;  
 (19) Cedar Lake, (T.58, R.15W, S.20): 1B, 2A, 3B;  
 (8) (20) Chester Lake, (T.64, R.3E, S.32, 33): 1B, 2A, 3B;  
 (21) Clear Lake, (T.52, R.15W, S.23): 1B, 2A, 3B;  
 (9) (22) \*Clearwater Lake (Emby Lake), [11/5/84P] (T.65, R.1E): 1B, 2A, 3B;  
 (40) (23) Colby Lake, (T.58, R.14): 1B, 2Bd, 3B;  
 (11) (24) \*Cone Lake, North, [11/5/84P] (T.63, 64, R.3): 1B, 2A, 3B;  
 (25) Corona Lake, (T.48, R.19W, S.11, 12): 1B, 2A, 3B;  
 (26) Corsica Mine Pit Lake, (T.58, R.16, S.18): 1C, 2Bd, 3B;  
 (42) (27) \*Crystal Lake, [11/5/84P] (T.64, R.1E, 2E): 1B, 2A, 3B;  
 (43) (28) \*Daniels Lake, [11/5/84P] (T.65, R.1E, 1W): 1B, 2A, 3B;  
 (44) (29) \*Davis Lake, [11/5/84P] (T.64, R.3): 1B, 2A, 3B;  
 (45) (30) \*Devilfish Lake, [3/7/88R] (T.64, R.3E): 1B, 2A, 3B;  
 (31) Dislocation Lake, (T.63, R.1W, S.3): 1B, 2A, 3B;  
 (32) Divide (Towhey) Lake, (T.59, R.7W, S.7, 8): 1B, 2A, 3B;  
 (33) Duke Lake, (T.63, R.1E, S.30): 1B, 2A, 3B;  
 (46) (34) \*Duncan Lake, [11/5/84P] (T.65, R.1): 1B, 2A, 3B;  
 (47) (35) \*Dunn Lake, [11/5/84P] (T.65, R.1, 2): 1B, 2A, 3B;  
 (36) Dyers Lake, (T.58, R.5W, S.4, 5, 8, 9): 1B, 2A, 3B;  
 (48) (37) \*Echo Lake, [3/7/88R] (T.59, R.6): 1B, 2A, 3B;  
 (38) Echo Lake, (T.59, R.6W, S.14, 15, 22, 23): 1B, 2A, 3B;  
 (39) Elbow Lake, Little, (T.57, R.18W, S.9, 10, 16): 1B, 2A, 3B;

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## Proposed Rules

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- (40) Embarrass Mine Pit (Lake Mine), (T.58, R.15W, S.5, 6): 1B, 2A, 3B;
- (41) Enterprise Mine Pit Lake, (T.58, R.17, S.5): 1C, 2Bd, 3B;
- ~~(19)~~ (42) \*Esther Lake, [~~3/7/88R~~] (T.63, R.3E, S.6; T.64, R.3E, S.31): 1B, 2A, 3B;
- ~~(20)~~ (43) \*Fan Lake, [11/5/84P] (T.65, R.2E): 1B, 2Bd, 3A;
- ~~(21)~~ (44) Flour Lake, (T.64, R.1E, 1W): 1B, 2A, 3B;
- (45) Forsyth Mine Pit, (T.58, R.19W, S.11): 1B, 2A, 3B;
- ~~(22)~~ (46) Fowl Lake, North, (T.64, 65, R.3E): 1B, 2Bd, 3A;
- ~~(23)~~ (47) Fowl Lake, South, (T.64, 65, R.3E): 1B, 2Bd, 3A;
- (48) Fraser Mine Pit Lake, (T.58, R.20, S.23): 1C, 2Bd, 3B;
- (49) \*Gadwall Lake, [11/5/84P] (T.64, R.2E, S.3): 1B, 2A, 3B;
- ~~(24)~~ (50) \*Gaskin Lake, [11/5/84P] (T.64, R.2): 1B, 2A, 3B;
- (51) \*Gogebic Lake, [11/5/84P] (T.65, R.2E, S.30, 31): 1B, 2A, 3B;
- (52) Goldeneye (Duck) Lake, (T.59, R.6W, S.15): 1B, 2A, 3B;
- ~~(25)~~ (53) \*Greenwood Lake, [3/7/88R] (T.64, R.2E): 1B, 2A, 3B;
- ~~(26)~~ (54) \*Hungry Jack Lake, [~~3/7/88R~~] (T.64, 65, R.1): 1B, 2A, 3B;
- (55) \*Jake (Jackel) Lake, [11/5/84P] (T.64, R.1W, S.28): 1B, 2A, 3B;
- ~~(27)~~ (56) \*Jim Lake (Jerry Lake), [~~3/7/88R~~] (T.64, R.1E): 1B, 2A, 3B;
- (57) Judson Mine Pit, (T.58, R.19W, S.20, 29): 1B, 2A, 3B;
- (58) Junco Lake, (T.62, R.1W, S.11, 12, 13): 1B, 2A, 3B;
- ~~(28)~~ (59) \*Kemo Lake, [3/7/88R] (T.63, R.1): 1B, 2A, 3B;
- (60) Kimball Lake, (T.62, R.2E, S.7, 8, 17): 1B, 2A, 3B;
- (61) Leo Lake, (T.64, R.1W, S.4, 5): 1B, 2A, 3B;
- ~~(29)~~ (62) \*Lily Lakes, [11/5/84P] (T.65, R.2E): 1B, 2Bd, 3A;
- (63) Lima Lake, (T.64, R.1W, S.35): 1B, 2A, 3B;
- (64) \*Lizzie Lake, [11/5/84P] (T.64, R.1W, S.7, 18): 1B, 2A, 3B;
- (65) Loaine (Sand) Lake, (T.54, R.12W, S.16, 17): 1B, 2A, 3B;
- (66) Loft Lake, (T.64, R.3E, S.21): 1B, 2A, 3B;
- (67) Lost Lake, (T.63, R.3E, S.32): 1B, 2A, 3B;
- (68) Margaret Lake, (T.64, R.3E, S.27, 28, 33, 34): 1B, 2A, 3B;
- ~~(30)~~ (69) McFarland Lake, (T.64, R.3E): 1B, 2A, 3B;
- (70) Mink Lake, (T.62, R.2E, S.8): 1B, 2A, 3B;
- ~~(31)~~ (71) \*Misquah Lake, [11/5/84P] (T.64, R.1): 1B, 2A, 3B;
- (72) Missabe Mountain Mine Pit Lake, (T.58, R.17, S.8): 1C, 2Bd, 3B;
- (73) Moosehorn Lake, (T.63, R.3E, S.36; T.63, R.4E, S.31): 1B, 2A, 3B;
- ~~(32)~~ (74) \*Moose Lake, [11/5/84P] (T.65, R.2E, 3E): 1B, 2A, 3A;
- ~~(33)~~ (75) \*Morgan Lake, [11/5/84P] (T.64, R.1W, S.27, 28): 1B, 2A, 3B;
- (76) Morton Mine Pit Lake, (T.57, R.21, S.10, 11, 14): 1C, 2Bd, 3B;
- ~~(34)~~ (77) \*Moss Lake, [3/7/88R] (T.65, R.1): 1B, 2A, 3B;
- (78) Mountain Iron Mine Pit Lake, (T.58, R.18, S.3, 4): 1C, 2Bd, 3B;
- ~~(35)~~ (79) \*Mountain Lake, [11/5/84P] (T.65, R.1E, 2E): 1B, 2A, 3B;
- (80) Muckwa Lake, (T.63, R.1E, S.21, 28): 1B, 2A, 3B;
- (81) \*Mulligan Lake, [11/5/84P] (T.63, R.3W, S.1, 12): 1B, 2A, 3B;

- (36) (82) \*Musquash Lake, [~~3/7/88R~~] (T.63, R.1E, S.20, 28, 29): 1B, 2A, 3B;  
 (83) Normanna Lake, (T.52, R.13W, S.7, 8): 1B, 2A, 3B;  
 (84) Olson Lake, (T.62, R.1W, S.9, 16): 1B, 2A, 3B;  
 (37) (85) \*Onega Lake (Omega Lake), [11/5/84P] (T.64, R.2, 3): 1B, 2A, 3B;  
 (38) (86) \*Otto Lake, Lower, [11/5/84P] (T.64, R.2): 1B, 2A, 3B;  
 (87) Pancore (Lost) Lake, (T.61, R.4W, S.22, 27): 1B, 2A, 3B;  
 (39) (88) \*Partridge Lake, [11/5/84P] (T.65, R.1): 1B, 2A, 3B;  
 (89) \*Pemmican Lake, [11/5/84P] (T.65, R.2E, S.22): 1B, 2A, 3B;  
 (40) (90) \*Pike Lake, West, [11/5/84P] (T.65, R.2E): 1B, 2A, 3B;  
 (91) Pine Lake, (T.63, R.1W, S.35, 36): 1B, 2A, 3B;  
 (41) (92) \*Pine Lake, [11/5/84P] (T.64, 65, R.1E, 2E, 3E): 1B, 2A, 3B;  
 (93) Pine Mountain Lake, (T.63, R.1E, S.26, 27, 34, 35): 1B, 2A, 3B;  
 (94) Poplar Lake, (T.64N, R.1, 2W): 1C, 2Bd, 3B;  
 (42) (95) \*Ram Lake, [11/5/84P] (T.63, R.1W, S.9, 10): 1B, 2A, 3B;  
 (43) (96) \*Rose Lake, [11/5/84P] (T.65, R.1): 1B, 2A, 3B;  
 (97) St. James Mine Pit, (T.58, R.15W, S.3, 4): 1B, 2A, 3B;  
 (44) (98) Saint Mary's Lake, (T.57, R.17, S.9, 16, 17): 1C, 2Bd, 3B;  
 (45) (99) \*Sawbill Lake, [11/5/84P] (T.62, 63, R.4): 1B, 2Bd, 3B;  
 (100) Scranton Mine Pit Lake (Hull-Rust-Mahoning-Scranton-Susquehanna), (T.57, R.20, S.6, 7; T.57, R.21, S.1, 2, 11, 12): 1C, 2Bd, 3B;  
 (101) Section 8 Lake, (T.59, R.7W, S.8): 1B, 2A, 3B;  
 (46) (102) Seven Beaver Lake, (T.58, R.11, 12): 2B, 3A;  
 (103) Shady, North, Lake, (T.64, R.2E, S.21, 22): 1B, 2A, 3B;  
 (104) Shoe Lake, (T.64, 2E, S.30): 1B, 2A, 3B;  
 (105) Sled Lake, (T.63, R.1W, S.3): 1B, 2A, 3B;  
 (106) \*Sock Lake, [11/5/84P] (T.65, R.2W, S.26): 1B, 2A, 3B;  
 (47) (107) \*South Lake, [11/5/84P] (T.65, R.1, 2): 1B, 2A, 3B;  
 (108) Spring Hole Lake, (T.55, R.14W, S.14): 1B, 2A, 3B;  
 (109) Squaw Lake, (T.63, R.3E, S.6; T.64, R.3E, S.31): 1B, 2A, 3B;  
 (48) (110) \*State Lake, [11/5/84P] (T.63, 64, R.2): 1B, 2A, 3B;  
 (111) Steer Lake, (T.60, R.6W, S.32): 1B, 2A, 3B;  
 (49) (112) \*Superior, Lake, [11/5/84R] (T.49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, R.14W-7E): 1B, 2A, 3A;  
 (50) (113) \*Swan Lake, [11/5/84P] (T.63, R.2): 1B, 2A, 3B;  
 (114) Talus Lake, (T.63, R.1W, S.26, 27): 1B, 2A, 3B;  
 (115) Thompson Lake, (T.62, R.1W, S.19, 20, 29, 30): 1B, 2A, 3B;  
 (116) Thrasher Lake, (T.63, R.1W, S.31): 1B, 2A, 3B;  
 (117) Thrush Lake, (T.63, R.1W, S.31): 1B, 2A, 3B;

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## Proposed Rules

- (118) \*Topper Lake, [11/5/84P] (T.65, R.2W, S.27): 1B, 2A, 3B;  
(54) (119) \*Trout Lake, [3/7/88R] (T.62, R.2E): 1B, 2A, 3B;  
(52) (120) \*Trout Lake, Little, [11/5/84P] (T.63, R.1): 1B, 2A, 3B;  
(121) Turnip Lake, (T.64, R.1E, S.24): 1B, 2A, 3B;  
(122) Twin Lake, (T.50, R.14W, S.28, 33): 1B, 2A, 3B;  
(53) (123) \*Twin Lake, Upper (Bear Lake), [3/7/88R] (T.56, R.8): 1B, 2A, 3B;  
(124) Unnamed Lake, (T.63, R.3E, S.20, 21, 28, 29): 1B, 2A, 3B;  
(125) Unnamed Lake, (T.63, R.1W, S.31): 1B, 2A, 3B;  
(126) \*Vale Lake, [11/5/84P] (T.64, R.2E, S.3): 1B, 2A, 3B;  
(54) (127) \*Vista Lake, [11/5/84P] (T.64, R.1): 1B, 2A, 3B;  
(55) (128) \*Wanihigan Lake (Trap Lake), [11/5/84P] (T.63, 64, R.2, 3): 1B, 2A, 3B;  
(129) \*Wee Lake, [11/5/84P] (T.62, R.4W, S.13): 1B, 2A, 3B;  
(130) \*Wench Lake, [11/5/84P] (T.63, R.3W, S.7, 18): 1B, 2A, 3B;  
(56) (131) \*Winchell Lake, [11/5/84P] (T.64, R.2, 3): 1B, 2A, 3B;  
(57) \*Black Lake Bog [3/7/88P] (Waters within the Black Lake Bog Scientific and Natural Area, Pine County, T.45, R.15, S.18, 19, 30; T.45, R.16, S.13, 24, 25): 2B, 3B; and  
(58) (132) \*All other lakes in the Boundary Waters Canoe Area Wilderness [11/5/84P]: 1B, 2Bd, 3B; and  
(133) \*All wetlands in the Boundary Waters Canoe Area Wilderness [11/5/84P]: 2D.

### C. Fens: None currently listed.

D. Scientific and Natural Areas: \*Black Lake Bog [3/7/88P] Waters within the Black Lake Bog Scientific and Natural Area, Pine County, (T.45, R.15, S.18, 19, 30; T.45, R.16, S.13, 24, 25): 2B, 3B, except wetlands which are 2D.

Subp. 2. **Lake of the Woods Basin.** The water use classifications for the listed waters in Lake of the Woods Basin are as identified in items A and B, and D.

### A. Streams:

- (1) Angora Creek, (T.61, R.18, S.9, 10, 15, 16, 21, 22): 1B, 2A, 3B;  
(2) Arrowhead Creek, (T.60, R.8, S.3, 10, 11, 13, 14, 15, 22, 23, 26, 27, 28, 34; T.61, R.8, S.14, 15, 21, 22, 27, 28, 34): 1B, 2A, 3B;  
(3) Ash River, (T.66, R.20, S.4, 5, 9; T.67, R.20, S.5, 6, 8, 16, 17, 18, 19, 20, 29, 30, 31, 32; T.67, R.21, S.36; T.68, R.20, S.13, 14, 20, 21, 22, 23, 24, 28, 29, 31, 33; T.68, R.19, S.17, 18; T.68, R.21, S.36): 1B, 2A, 3B;  
(4) Beaver Creek, (T.62, 63, R.20): 2C;  
(5) Beauty Creek, (T.67, R.21, S.23, 24, 25, 26): 1B, 2A, 3B;  
(6) Blackduck River, (T.66, R.19, S.5, 6, 7, 8, 17; T.66, R.20, S.1; T.67, R.19, S.29, 31, 32; T.67, R.20, S.2, 3, 4, 10, 14, 15, 23, 24, 25, 26, 36; T.68, R.20, S.26, 27, 28, 33, 34): 1B, 2A, 3B;  
(7) Camp Creek, (T.60, R.8, S.3, 4, 5, 7, 8, 9, 10, 16, 17, 20, 21, 29; T.61, R.8, S.33): 1B, 2A, 3B;  
(8) Camp Creek, East, (T.60, R.9, S.7, 18; T.60, R.10, S.11, 12, 14): 1B, 2A, 3B;  
(9) Dark River, (T.60, R.19, S.19, 20, 30; T.60, R.20, 10, 11, 12, 13, 24): 1B, 2A, 3B;  
(10) Dinner Creek, (T.153, R.26, S.4, 9, 10, 12, 13, 14, 15, 23, 24; T.154, R.26, S.7, 18, 19, 29, 30, 32, 33; T.154, R.27, S.1, 12; T.155, R.26, S.30, 31; T.155, R.27, S.25, 35, 36): 1B, 2A, 3B;  
(11) Fawn Creek, (T.66, R.20, S.1, 2, 3, 4, 12; T.67, R.20, S.15, 22, 23, 26, 34, 35): 1B, 2A, 3B;  
(12) Gardner Brook, (T.63, 64, R.23): 2C;  
(13) Grassy Creek, (T.61, R.13, S.6; T.61, R.14, S.1): 1B, 2A, 3B;  
(14) Harrigan Creek, (T.62, R.23, S.10): 1B, 2A, 3B;  
(15) Harris Lake Creek, (T.60, R.10, S.6; T.61, R.10, S.19, 30, 31): 1B, 2A, 3B;  
(16) Hay Creek, (T.153, R.26, S.4, 8, 9, 17, 20): 1B, 2A, 3B;

- (17) Hill Creek, (T.60, R.8, S.30; T.60, R.9, S.24, 25): 1B, 2A, 3B;
- (~~3~~) (18) Indian Sioux River, Little, (~~T.64~~, T.65, R.15): 1B, 2Bd, 3B;
- (19) Inga Creek, (T.60, R.9, S.2; T.61, R.9, S.14, 22, 23, 27, 34, 35): 1B, 2A, 3B;
- (20) \*Inga Creek [11/5/84P] (T.61, R.9, S.11, 12): 1B, 2A, 3B;
- (21) Isabella River, Little, (T.59, R.8, S.3, 4, 5, 6, 9, 10; T.60, R.8, S.31, 32; T.60, R.9, S.5, 6, 8, 9, 10, 15, 16, 22, 25, 26, 27, 36; T.61, R.9, S.9, 16, 17, 20, 21, 22, 29, 32): 1B, 2A, 3B;
- (22) \*Isabella River, Little, [11/5/84P] (T.61, R.9, S.3, 4, 9, 10; T.62, R.9, S.34):
- (~~4~~) (23) Island River, (T.61, R.7, 8): 1B, 2Bd, 3B;
- (24) Jack Creek, (T.61, R.8, S.14, 23, 24, 25, 26, 36): 1B, 2A, 3B;
- (25) Jack Pine Creek, (T.60, R.8, S.5, 6, 7, 8, 18; T.61, R.8, S.19, 20, 29, 30, 31, 32): 1B, 2A, 3B;
- (26) Johnson Creek, (T.60, R.18, S.6, 7, 8, 17, 20): 1B, 2A, 3B;
- (~~5~~) (27) Kawishiwi River, (Source to Fall Lake): 1B, 2Bd, 3B;
- (28) Kinmount Creek, (T.67, R.20, S.19; T.67, R.21, S.13, 14, 15, 20, 21, 22, 23, 24): 1B, 2A, 3B;
- (29) Longstorff Creek, (T.62, R.12, S.6, 7; T.63, R.12, S.31): 1B, 2A, 3B;
- (30) Lost River, (T.65, R.19, S.6; T.65, R.20, S.1, 2, 3, 4, 5, 6, 7, 8, 12; T.65, R.21, S.1; T.66, R.20, S.20, 25, 27, 29, 31, 32, 33, 34, 35, 36): 1B, 2A, 3B;
- (31) Mary Ann Creek, (T.58, R.10, S.16, 21): 1B, 2A, 3B;
- (32) McNiven Creek, (T.59, R.19, S.10, 16, 21, 28, 32, 33): 1B, 2A, 3B;
- (33) Mike Kelly Creek, (T.60, R.11, S.14, 15, 23): 1B, 2A, 3B;
- (34) Mitawan Creek, (T.60, R.9, S.1, 12; T.61, R.8, S.18, 19, 31; T.61, R.9, S.13, 24, 25, 36): 1B, 2A, 3B;
- (35) \*Mitawan Creek, [11/5/84P] (T.61, R.8, S.5, 6, 7; T.61, R.9, S.1, 2, 12; T.62, R.9, S.35): 1B, 2A, 3B;
- (~~6~~) (36) Moose River, (T.68, R.18, 19): 1B, 2Bd, 3B;
- (~~7~~) (37) Moose River, (~~T.64~~, T.65, ~~66~~, R.14): 1B, 2Bd, 3B;
- (38) Nine Mile Creek, (T.66, R.19, S.4; T.67, R.19, S.7, 8, 18, 19, 20, 21, 27, 28, 29, 33; T.67, R.20, S.12, 13, 14, 23): 1B, 2A, 3B;
- (39) Nip Creek, (T.59, R.11, S.3, 4; T.60, R.11, S.21, 22, 27, 28, 34): 1B, 2A, 3B;
- (40) Nira Creek, (T.61, R.11, S.22, 23, 27): 1B, 2A, 3B;
- (41) Pitt Creek, (T.159, R.32, S.4, 9, 16; T.160, R.32, S.21, 28, 33): 1B, 2A, 3B;
- (~~8~~) (42) Portage Creek, (T.65, R.21): 2C;
- (~~9~~) (43) Portage River, (T.65, 66, R.14): 1B, 2Bd, 3B;
- (~~10~~) (44) Rainy River, (Outlet of Rainy Lake to Dam in International Falls): 1B, 2Bd, 3A;
- (~~11~~) (45) Rainy River, (Dam in International Falls to Railroad Bridge in Baudette): 1C, 2Bd, 3A;
- (~~12~~) (46) Rainy River, (Railroad Bridge in Baudette to Lake of the Woods): 2B, 3A;
- (47) Sand Creek, (T.60, R.21, S.3, 4, 5, 10, 11, 14; T.61, R.20, S.19; T.61, R.21, S.3, 10, 11, 14, 15, 23, 24, 25, 26, 27, 33, 34, 35; T.62, R.21, S.34): 1B, 2A, 3B;
- (48) Scott Creek, (T.59, R.7, S.4; T.60, R.7, S.9, 10, 15, 16, 21, 22, 27, 33, 34, 35): 1B, 2A, 3B;
- (49) Section 30 Creek, (T.63, R.11, S.30; T.63, R.12, S.24, 25): 1B, 2A, 3B;
- (50) Sea Gull River, (T.66N, R.4W, S.30, 31): 1C, 2Bd, 3B;
- (51) Shine Brook, (T.62, R.25, S.11, 14, 15, 16): 1B, 2A, 3B;

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## Proposed Rules

- (52) Snake Creek, (T.60, R.9, S.6; T.60, R.10, S.1; T.61, R.9, S.19, 30, 31; T.61, R.10, S.24, 25, 36): 1B, 2A, 3B;
- (53) Snake River, (T.60, R.10, S.3, 4; T.61, R.9, S.18, 19; T.61, R.10, S.23, 24, 26, 27, 33, 34): 1B, 2A, 3B;
- (+3) (54) \*Snake River, [11/5/84P] (T.61, R.9, S.7; T.61, R.10, S.12): 1B, ~~2Bd~~, 2A, 3B;
- (55) Sphagnum Creek, (T.60, R.9, S.4; T.61, R.9, S.28, 29, 33): 1B, 2A, 3B;
- (56) Stoney Brook, (T.60, R.22, S.3, 4; T.61, R.22, S.13, 24, 25, 35, 36; T.61, R.21, S.7, 18): 1B, 2A, 3B;
- (57) Tomlinson Creek, (T.60, R.7, S.18, 19, 31; T.60, R.8, S.24, 25, 36): 1B, 2A, 3B;
- (58) Tomato Creek, (T.161, R.34, S.3, 9, 10; T.162, R.34, S.35): 1B, 2A, 3B;
- (59) Trout Brook, (T.66, R.26, S.19, 30; T.66, R.27, S.24, 25): 1B, 2A, 3B;
- (60) Two Rivers, East, (T.61, R.14, S.7, 8; T.61, R.15, S.1, 2, 3, 4, 12; T.62, R.14, S.29, 30, 31, 32; T.62, R.15, S.32, 33, 34, 35, 36): 1B, 2A, 3B;
- (61) Two Rivers, West, (T.61, R.15, S.6, 7, 8, 9, 14, 15, 16, 17): 1B, 2A, 3B;
- (62) Unnamed Creek, (T.65, R.19, S.4, 5; T.66, R.19, S.33): 1B, 2A, 3B;
- (63) Valley River, (T.62, R.23, S.1, 2, 3, 4, 10, 11, 12, 13, 14, 24; T.63, R.22, S.6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30; T.63, R.23, S.24, 25, 26, 35): 1B, 2A, 3B;
- (64) Venning Creek, (T.60, R.23, S.1, 2, 11, 12, 13, 14; T.61, R.23, S.35): 1B, 2A, 3B;
- (65) Victor Creek, (T.60, R.9, S.12, 13): 1B, 2A, 3B;
- (66) Weiss Creek, (T.59, R.9, S.2, 3, 11; T.60, R.9, S.27, 34): 1B, 2A, 3B;
- (67) Wenho Creek, (T.58, R.10, S.17, 20, 21, 27, 28, 34): 1B, 2A, 3B;
- (+4) (68) Zippel Creek, West Branch, (T.162, R.33, 34): 2C;
- (+5) (69) \*All other streams in the Boundary Waters Canoe Area Wilderness [11/5/84P]: 1B, 2Bd, 3B;
- (+6) \*Purvis Lake Ober, [11/5/84P] (Waters within the Purvis Lake Ober Foundation Scientific and Natural Area, Saint Louis County, T.62, R.13): 2B, 3B; and
- (+7) (70) \*All other streams in the Voyageurs National Park [11/5/84P]: 2B, 3B.

### B. Lakes:

- (1) \*Adams Lake, [11/5/84P] (T.64, R.6): 1B, 2A, 3B;
- (2) \*Agamok Lake, [11/5/84P] (T.65, R.5, 6): 1B, 2A, 3B;
- (3) \*Ahmakose Lake, [11/5/84P] (T.64, R.7): 1B, 2A, 3B;
- (4) \*Ahsab Lake, [11/5/84P] (T.64, R.8W, S.27, 28): 1B, 2A, 3B;
- (5) \*Alpine Lake, [11/5/84P] (T.65, R.5): 1B, 2A, 3B;
- (6) \*Alruss Lake, [11/5/84P] (T.64, R.11W, S.7; T.64, R.12W, S.12): 1B, 2A, 3B;
- (+5) (7) \*Amoerber Lake, [11/5/84P] (T.65, R.6, 7): 1B, 2A, 3B;
- (+6) (8) \*Arkose Lake, [11/5/84P] (T.64, 65, R.7): 1B, 2A, 3B;
- (+7) (9) \*Ashdick Lake (Caribou Lake), [11/5/84P] (T.66, R.6): 1B, 2A, 3B;
- (+8) (10) \*Basswood Lake, [11/5/84P] (T.64, 65, R.9, 10): 1B, 2A, 3B;
- (+9) (11) \*Bat Lake, [11/5/84P] (T.64, 65, R.5): 1B, 2A, 3B;
- (+10) (12) \*Beartrack Lake, [11/5/84P] (T.67, R.15): 1B, 2A, 3B;
- (+11) (13) \*Beaver Lake (Elbow Lake), [11/5/84P] (T.63, 64, R.6, 7): 1B, 2A, 3B;
- (14) Beetle Lake, (T.60, R.9W, S.7): 1B, 2A, 3B;
- (15) Big Lake, (T.64, 65, R.13): 1C, 2Bd, 3B;
- (+12) (16) \*Bingshick Lake, [11/5/84P] (T.65, R.4, 5): 1B, 2A, 3B;
- (+13) (17) \*Brandt Lake, [11/5/84P] (T.65, R.4): 1B, 2A, 3B;
- (+14) (18) \*Burntside Lake, [3/7/88R] (T.63, 64, R.12, 13, 14): 1B, 2A, 3B;
- (19) Camp Four (Wessman) Lake, (T.59, R.19W, S.4): 1B, 2A, 3B;

- (15) ~~(20)~~ \*Camp Lake, [11/5/84P] (T.64, R.11): 1B, 2Bd, 3B;  
 (16) ~~(21)~~ \*Caribou Lake, [3/7/88R] (T.58, R.26): 1B, 2A, 3B;  
 (17) ~~(22)~~ \*Cash Lake, [11/5/84P] (T.64, R.3): 1B, 2A, 3B;  
 (23) Cedar Lake, (T.63, R.11, 12): 1C, 2Bd, 3B;  
 (24) Chant Lake, (T.63, R.13W, S.10): 1B, 2A, 3B;  
 (18) ~~(25)~~ \*Cherokee Lake, [11/5/84P] (T.63, 64, R.4): 1B, 2A, 3B;  
 (19) ~~(26)~~ \*Cherry Lake, [11/5/84P] (T.65, R.6): 1B, 2A, 3B;  
 (27) \*Conchu Lake, [11/5/84P] (T.63, R.10W, S.21, 22): 1B, 2A, 3B;  
 (20) ~~(28)~~ \*Crab Lake, [11/5/84P] (T.63, R.13, 14): 1B, 2A, 3B;  
 (21) ~~(29)~~ Crab Lake, (T.65, R.2, 3): 1B, 2A, 3B;  
 (22) ~~(30)~~ Crane Lake, (T.67, 68, R.16, 17): 1B, 2A, 3A;  
 (23) ~~(31)~~ \*Crooked Lake, [11/5/84P] (T.64, R.5): 1B, 2A, 3B;  
 (24) ~~(32)~~ \*Crooked Lake, [11/5/84P] (T.66, R.11, 12): 1B, 2A, 3B;  
 (25) ~~(33)~~ \*Cruiser Lake (Trout Lake), [11/5/84P] (T.69, 70, R.19): 1B, 2A, 3B;  
 (34) Cub Lake, (T.61, R.14W, S.2): 1B, 2A, 3B;  
 (35) Dan Lake, (T.63, R.10W, S.17): 1B, 2A, 3B;  
 (36) Deepwater Lake, (T.59, R.20W, S.2): 1B, 2A, 3B;  
 (37) Dry Lake, (T.63, R.12W, S.9): 1B, 2A, 3B;  
 (38) Dry Lake, Little, (T.63, R.12W, S.9): 1B, 2A, 3B;  
 (26) ~~(39)~~ \*Eddy Lake, [11/5/84P] (T.65, R.6): 1B, 2A, 3B;  
 (40) Eikela Lake, (T.60, R.10W, S.22): 1B, 2A, 3B;  
 (41) Ennis Lake, (T.64, R.9W, S.33): 1B, 2A, 3B;  
 (42) Erskine Lake, (T.61, R.24W, S.2, 3): 1B, 2A, 3B;  
 (27) ~~(43)~~ \*Ester Lake (Gnig Lake), [11/5/84P] (T.65, 66, R.6): 1B, 2A, 3B;  
 (28) ~~(44)~~ \*Eugene Lake, [11/5/84P] (T.67, R.15): 1B, 2A, 3B;  
 (29) ~~(45)~~ \*Explorer Lake (South Three Lake), [11/5/84P] (T.64, R.7, 8): 1B, 2A, 3B;  
 (30) ~~(46)~~ Fall Lake, (T.63, 64, R.11, 12): 1B, 2Bd, 3B;  
 (47) Farm Lake, (T.62, 63, R.11): 1C, 2Bd, 3B;  
 (31) ~~(48)~~ \*Fat Lake, [11/5/84P] (T.67, R.15): 1B, 2A, 3B;  
 (32) ~~(49)~~ \*Fay Lake, [11/5/84P] (T.65, R.5): 1B, 2A, 3B;  
 (33) ~~(50)~~ \*Fern Lake, [11/5/84P] (T.64, R.5): 1B, 2A, 3B;  
 (34) ~~(51)~~ \*Fern Lake, West, [11/5/84P] (T.64, R.5): 1B, 2A, 3B;  
 (35) ~~(52)~~ \*Finger Lake, [11/5/84P] (T.67, R.14): 1B, 2A, 3B;  
 (36) ~~(53)~~ \*Fishdance Lake, [11/5/84P] (T.63, R.7): 1B, 2A, 3B;  
 (54) \*Found Lake, [11/5/84P] (T.64, R.9W, S.10, 15): 1B, 2A, 3B;  
 (37) ~~(55)~~ \*Fraser Lake, [11/5/84P] (T.64, R.7): 1B, 2A, 3B;  
 (38) ~~(56)~~ \*French Lake, [11/5/84P] (T.64, 65, R.5): 1B, 2A, 3B;  
 (39) ~~(57)~~ \*Frost Lake, [11/5/84P] (T.64, R.4): 1B, 2A, 3B;

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## Proposed Rules

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- ~~(40)~~ (58) \*Gabimichigami Lake, [11/5/84P] (T.64, 65, R.5, 6): 1B, 2A, 3B;
- ~~(41)~~ (59) \*Ge-Be-On-Equat Lake, [11/5/84P] (T.67, R.14): 1B, 2A, 3B;
- ~~(42)~~ (60) \*Gijikiki Lake (Cedar Lake), [11/5/84P] (T.65, 66, R.6): 1B, 2A, 3B;
- ~~(43)~~ (61) \*Gillis Lake, [11/5/84P] (T.64, 65, R.5): 1B, 2A, 3B;
- (62) Glacier Pond No. 1, (T.63, R. 10W, S.11): 1B, 2A, 3B;
- (63) Glacier Pond No. 2, (T.63, R.10W, S.11): 1B, 2A, 3B;
- ~~(44)~~ (64) \*Gordon Lake, [11/5/84P] (T.64, R.4): 1B, 2A, 3B;
- ~~(45)~~ (65) \*Gun Lake, [11/5/84P] (T.67, 68, R.15): 1B, 2A, 3B;
- ~~(46)~~ (66) \*Gunflint Lake, [3/7/88R] (T.65, R.2, 3, 4): 1B, 2A, 3B;
- ~~(47)~~ (67) Gunflint Lake, Little, (T.65, R.2): 1B, 2Bd, 3B;
- (68) Gypsy Lake, (T.60, R.10W, S.6, 7): 1B, 2A, 3B;
- (69) Hanson Lake, (T.64, R.13W, S.36): 1B, 2A, 3B;
- ~~(48)~~ (70) \*Hanson Lake, [11/5/84P] (T.65, 66, R.6): 1B, 2A, 3B;
- (71) High Lake, (T.63, R.12W, S.3, 4, 5; T.64, R.12W, S.33, 34): 1B, 2A, 3B;
- (72) Hogback (Twin) Lake, (T.60, R.6W, S.31): 1B, 2A, 3B;
- ~~(49)~~ (73) \*Holt Lake, [11/5/84P] (T.65, R.6): 1B, 2A, 3B;
- ~~(50)~~ (74) \*Howard Lake, [11/5/84P] (T.65, R.5): 1B, 2A, 3B;
- ~~(51)~~ (75) \*Hustler Lake, [11/5/84P] (T.66, 67, R.14): 1B, 2A, 3B;
- ~~(52)~~ (76) \*Ima Lake (Slate Lake), [11/5/84P] (T.64, R.7, 8): 1B, 2A, 3B;
- (77) \*Jacob (Louis) Lake, [11/5/84P] (T.64, R.12W, S.11, 12): 1B, 2A, 3B;
- (78) James (Jammer) Lake, (T.60, R.18W, S.27): 1B, 2A, 3B;
- (79) \*Jap Lake, [11/5/84P] (T.65, R.4W, S.19; T.65, R.5W, S.24): 1B, 2A, 3B;
- (80) Jasper Lake, (T.63, 64, R.9, 10): 1C, 2Bd, 3B;
- ~~(53)~~ (81) \*Jasper Lake, [11/5/84P] (T.65, R.5): 1B, 2A, 3B;
- ~~(54)~~ (82) \*Johnson Lake, [3/7/88R] (T.67, 68, R.17, 18): 1B, 2A, 3B;
- (83) Jouppi Lake, (T.59, R.8W, S.14, 22, 23): 1B, 2A, 3B;
- (84) Judd Lake, (T.63, R.9W, S.4, 5; T.64, R.9W, S.32, 33): 1B, 2A, 3B;
- ~~(55)~~ (85) \*Kabetogama Lake, [11/5/84P] (T.69, 70, R.20, 21, 22): 1B, 2Bd, 3A;
- ~~(56)~~ (86) \*Karl Lake, [11/5/84P] (T.64, R.3, 4): 1B, 2A, 3B;
- ~~(57)~~ (87) \*Kek Lake, Little, [11/5/84P] (T.65, R.6, 7): 1B, 2A, 3B;
- ~~(58)~~ (88) \*Kekekabic Lake, [11/5/84P] (T.64, 65, R.6, 7): 1B, 2A, 3B;
- ~~(59)~~ (89) \*Knife Lake, [11/5/84P] (T.65, R.7, 8): 1B, 2A, 3B;
- ~~(60)~~ (90) \*Lake of the Clouds Lake (Dutton Lake), [11/5/84P] (T.65, R.6): 1B, 2A, 3B;
- (91) Lake of the Woods, (T.161, 162, 163, 164, 165, 166, 167, 168, R.30, 31, 32, 33, 34, 35, 36): 1B, 2Bd, 3A;
- (92) Lake Vermilion, (T.61, 62, 63, R.14, 15, 16, 17, 18): 1C, 2Bd, 3B;
- ~~(61)~~ (93) \*Larson Lake, [3/7/88R] (T.61, R.24W, S.16, 21): 1B, 2A, 3B;
- (94) Little Long Lake, (T.63, R.12): 1C, 2Bd, 3B;
- ~~(62)~~ (95) \*Long Island Lake, [11/5/84P] (T.64, R.3, 4): 1B, 2A, 3B;
- ~~(63)~~ (96) \*Loon Lake, [3/7/88R] (T.65, R.3): 1B, 2A, 3B;
- ~~(64)~~ (97) \*Loon Lake, [11/5/84P] (T.66, 67, R.15): 1B, 2A, 3B;
- ~~(65)~~ (98) \*Lunar Lake (Moon Lake), [11/5/84P] (T.65, R.6): 1B, 2A, 3B;
- ~~(66)~~ (99) \*Lynx Lake, [11/5/84P] (T.66, R.14, 15): 1B, 2A, 3B;

- (67) (100) \*Magnetic Lake, [3/7/88R] (T.65, R.3, 4): 1B, 2A, 3B;  
 (68) (101) \*Makwa Lake (Bear Lake), [11/5/84P] (T.64, R.6): 1B, 2A, 3B;  
 (69) (102) \*Marble Lake, [11/5/84P] (T.64, R.6): 1B, 2A, 3B;  
 (103) \*Mavis Lake, [11/5/84P] (T.64, R.4W, S.4): 1B, 2A, 3B;  
 (70) (104) \*Mayhew Lake, [3/7/88R] (T.65, R.2): 1B, 2A, 3B;  
 (105) \*Meditation Lake, [11/5/84P] (T.65, R.4W, S.7, 8): 1B, 2A, 3B;  
 (71) (106) \*Mesaba Lake, [11/5/84P] (T.63, R.5): 1B, 2A, 3B;  
 (107) Miner's Mine Pit, (T.63, R.12W, S.26, 27, 28): 1B, 2A, 3B;  
 (108) \*Missing Link Lake, [11/5/84P] (T.64, R.4W, S.4): 1B, 2A, 3B;  
 (72) (109) \*Missionary Lake (East Three Lake), [11/5/84P] (T.64, R.7, 8): 1B, 2A, 3B;  
 (73) (110) \*Moose Lake, [11/5/84P] (T.64, R.9, 10): 1B, 2Bd, 3B;  
 (74) (111) \*Mora Lake, [11/5/84P] (T.64, R.5): 1B, 2A, 3B;  
 (75) (112) \*Mukooda Lake, [11/5/84P] (T.68, R.17): 1B, 2A, 3B;  
 (76) (113) \*Namakan Lake, [11/5/84P] (T.69, R.17, 18, 19): 1B, 2Bd, 3A;  
 (114) \*Neglige Lake, [11/5/84P] (T.64, R.8W, S.1, 2, 11, 12): 1B, 2A, 3B;  
 (115) Nickel (Nichols) Lake, (T.59, R.25W, S.12): 1B, 2A, 3B;  
 (116) Norberg Lake, (T.61, R.14W, S.1): 1B, 2A, 3B;  
 (77) (117) \*North Lake, [3/7/88R] (T.65, R.2): 1B, 2A, 3B;  
 (78) (118) North Lake, Little, (T.65, R.2): 1B, 2Bd, 3B;  
 (119) Norway Lake, (T.61, R.10W, S.3): 1B, 2A, 3B;  
 (79) (120) \*Ogishkemuncie Lake, [11/5/84P] (T.65, R.6): 1B, 2A, 3B;  
 (80) (121) \*Ojibway Lake (Upper Twin), [3/7/88R] (T.63, R.9, 10): 1B, 2A, 3B;  
 (81) (122) \*Owl Lake, [11/5/84P] (T.64, R.5): 1B, 2A, 3B;  
 (82) (123) \*Oyster Lake, [11/5/84P] (T.66, R.14): 1B, 2A, 3B;  
 (124) Peanut Lake, (T.60, R.10W, S.5): 1B, 2A, 3B;  
 (125) Pelican Lake, (T.64, 65, R.19, 20, 21): 1C, 2Bd, 3B;  
 (83) (126) \*Peter Lake, [11/5/84P] (T.64, 65, R.5): 1B, 2A, 3B;  
 (127) Pickerel Lake, (T.60, R.21W, S.17): 1B, 2A, 3B;  
 (128) Portage Lake, (T.64, R. 2W, S.3, 4, 5; T.65, R.2W, S.33): 1B, 2A, 3B;  
 (84) (129) \*Portage Lake, [11/5/84P] (T.65, R.8): 1B, 2A, 3B;  
 (130) Portage Lake, Little, (T.64, R.2W, S.3): 1B, 2A, 3B;  
 (85) (131) \*Powell Lake, [11/5/84P] (T.64, 65, R.5): 1B, 2A, 3B;  
 (86) (132) \*Rabbit Lake, [11/5/84P] (T.66, R.6): 1B, 2A, 3B;  
 (87) (133) \*Rainy Lake, [11/5/84P] (T.70, 71, R.18, 19, 20, 21, 22, 23): 1B, 2Bd, 3A;  
 (88) (134) \*Raven Lake (Lynx Lake), [11/5/84P] (T.64, R.6): 1B, 2A, 3B;  
 (89) (135) \*Red Rock Lake, [11/5/84P] (T.65, 66, R.5): 1B, 2A, 3B;  
 (136) Regenbogan Lake, (T.64, R.12W, S.18): 1B, 2A, 3B;  
 (137) \*Rog Lake, [11/5/84P] (T.65, R.5W, S.16, 17): 1B, 2A, 3B;

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## Proposed Rules

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- (90) (138) \*Ruby Lake, Big, [11/5/84P] (T.66, R.14): 1B, 2A, 3B;  
(91) (139) \*Saganaga Lake, [11/5/84P] (T.66, 67, R.4, 5): 1B, 2A, 3B;  
(92) (140) \*Saganaga Lake, Little, [11/5/84P] (T.64, R.5, 6): 1B, 2A, 3B;  
(93) (141) \*Sand Point Lake, [11/5/84P] (T.68, 69, R.16, 17): 1B, 2A, 3A;  
(142) Scarp (Cliff) Lake, (T.60, R.6W, S.31, 32): 1B, 2A, 3B;  
(94) (143) \*Sea Gull Lake, [11/5/84P] (T.65, 66, R.4, 5): 1B, 2A, 3B;  
(95) (144) \*Sema Lake (Coon Lake), [11/5/84P] (T.65, R.7): 1B, 2A, 3B;  
(145) Shoo-fly Lake, (T.59, R.8W, S.1; T.60, R.8W, S.36): 1B, 2A, 3B;  
(146) \*Skull Lake, [11/5/84P] (T.64, R.9W, S.14): 1B, 2A, 3B;  
(96) (147) \*Snowbank Lake, [11/5/84P] (T.63, 64, R.8, 9): 1B, 2A, 3B;  
(97) (148) \*Spoon Lake (Fames Lake), [11/5/84P] (T.65, R.7): 1B, 2A, 3B;  
(98) (149) \*Spring Lake, [3/7/88R] (T.68, R.18): 1B, 2A, 3B;  
(150) Steamhaul Lake, (T.60, R.9W, S.32): 1B, 2A, 3B;  
(99) (151) \*Strup Lake, [11/5/84P] (T.64, R.7): 1B, 2A, 3B;  
(100) (152) \*Sumpet Lake, [11/5/84P] (T.61, R.7): 1B, 2Bd, 3B;  
(153) Surber Lake, (T.65, R.2W, S.34): 1B, 2A, 3B;  
(101) (154) \*Takumich Lake, [11/5/84P] (T.67, 68, R.14): 1B, 2A, 3B;  
(102) (155) \*Tarry Lake, [11/5/84P] (T.64, R.5): 1B, 2A, 3B;  
(103) (156) \*Thomas Lake, [11/5/84P] (T.63, 64, R.7): 1B, 2A, 3B;  
(104) (157) \*Thumb Lake, [11/5/84P] (T.67, R.14): 1B, 2A, 3B;  
(158) Tofte Lake, (T.63, R.10W, S.2, 3, 10, 11; T.64, R.10W, S.35): 1B, 2A, 3B;  
(105) (159) \*Topaz Lake (Star Lake), [11/5/84P] (T.65, R.6): 1B, 2A, 3B;  
(106) (160) \*Town Lake, [11/5/84P] (T.63, 64, R.3, 4): 1B, 2A, 3B;  
(161) Trappers Lake, (T.60, R.8W, S.27, 34): 1B, 2A, 3B;  
(107) (162) \*Trout Lake, Big, [11/5/84P] (T.63, 64, R.15, 16): 1B, 2A, 3B;  
(108) (163) \*Trout Lake, Little (Pocket Lake), [11/5/84P] (T.68, R.17): 1B, 2A, 3B;  
(164) \*Trygg (Twigg) Lake, [11/5/84P] (T.68, R.14W, S.31; T.68, R.15W, S.36): 1B, 2A, 3B;  
(109) (165) \*Tucker Lake, [11/5/84P] (T.64, R.3): 1B, 2Bd, 3B;  
(110) (166) \*Tuscarora Lake, [11/5/84P] (T.64, R.4, 5): 1B, 2A, 3B;  
(111) (167) \*Vera Lake, [11/5/84P] (T.64, R.8): 1B, 2A, 3B;  
(112) (168) \*Virgin Lake, [11/5/84P] (T.64, R.5): 1B, 2A, 3B;  
(113) (169) \*Wine Lake, [11/5/84P] (T.63, R.5): 1B, 2A, 3B;  
(114) (170) \*Wisini Lake, [11/5/84P] (T.64, R.7): 1B, 2A, 3B;  
(115) (171) Woods, Lake of the (see Lake of the Woods); (T.161, 162, 163, 164, 165, 166, 167, 168, R.30, 31, 32, 33, 34, 35): 1B, 2Bd, 3A;  
(116) (172) Unnamed Swamp, Winton, (T.63, R.11, S.19; T.63, R.12, S.24): 7;  
(173) White Iron Lake, (T.62, 63, R.11, 12): 1C, 2Bd, 3B;  
(117) (174) \*All other lakes in the Boundary Waters Canoe Area Wilderness [11/5/84P]: 1B, 2Bd, 3B; and  
(175) \*All wetlands in the Boundary Waters Canoe Area Wilderness [11/5/84P]: 2D;  
(118) (176) \*All other lakes in the Voyageurs National Park [11/5/84P]: 2B, 3B; and  
(177) \*All other wetlands in the Voyageurs National Park [11/5/84P]: 2D.
- C. Fens: None currently listed.

D. Scientific and Natural Areas: \*Purvis Lake-Ober, [11/5/84P] Waters within the Purvis Lake-Ober Foundation Scientific and Natural Area, Saint Louis County, (T.62, R.13): 2B, 3B, except wetlands which are 2D.

Subp. 3. **Red River of the North Basin.** The water use classifications for the listed waters in the Red River of the North Basin are as identified in items A, B, and C, and D.

A. Streams:

- (1) Auganash Creek, (T.144, R.38, S.5; T.145, R.38, S.27, 28, 31, 32, 33): 1B, 2A, 3B;
- (2) Bad Boy Creek, (T.144, R.39, S.13, 14, 22, 23, 27, 28, 34): 1B, 2A, 3B;
- (+) (3) Badger Creek, (T.149, 150, 151, R.42, 43, 44): 2C;
- (-) (4) Barnums Creek (Burnham Creek), (T.148, 149, 150, R.44, 45, 46, 47, 48): 2C;
- (5) Battle River, South Branch, (T.151, R.30, S.2, 3, 4, 11): 1B, 2A, 3B;
- (6) Bemis Hill Creek, (T.161, R.37, S.17, 19, 20, 29, 30): 1B, 2A, 3B;
- (-) (7) Bois de Sioux River, (Mud Lake outlet to Breckenridge): 2C;
- (8) Brandberg Creek, (T.133, R.38, S.20, 21, 28, 29, 30): 1B, 2A, 3B;
- (9) Buckboard Creek, (T.144, R.37, S.19, 30, 31; T.144, R.38, S.11, 12, 13, 24): 1B, 2A, 3B;
- (10) Clearwater River, (T.148, R.35, S.5, 6, 8, 17, 20, 29, 31, 32; T.149, R.35, S.20, 29, 31, 32): 1B, 2A, 3B;
- (+) (11) County Ditch No. 6A-2, Rothsay, (T.135, R.45, S.21, 28, 33): 7;
- (-) (12) County Ditch No. 32, Sabin, (T.138, R.48, S.13, 14, 15, 16, 17, 18): 7;
- (-) (13) County Ditch No. 65, New York Mills, (T.135, R.37, S.18; T.135, R.38, S.13): 7;
- (14) Dead Horse Creek, (T.138, R.38, S.3, 4, 7, 8, 9, 16): 1B, 2A, 3B;
- (-) (15) Deerhorn Creek, (T.136, R.44, 45, 46): 2C;
- (-) (16) Doran Slough, (T.131, 132, R.46, 47): 2C;
- (-) (17) Eighteen Mile Creek, (T.127, R.46, 47): 2C;
- (18) Elbow Lake Creek, (T.142, R.38, S.6; T.143, R.38, S.31, 32): 1B, 2A, 3B;
- (19) Felton Creek, (T.141, R.44, S.7, 8, 17; T.141, R.45, S.7, 8, 12, 13, 14, 15, 16, 17, 18, 22; T.141, R.46, S.8, 9, 12, 13, 14, 15, 16): 1B, 2A, 3B;
- (+) (20) Five Mile Creek, (T.127, 128, R.45): 2C;
- (+) (21) Gentilly River, (T.149, 150, R.45): 2C;
- (+) (22) Hay Creek, (T.137, 138, R.44, 45, 46): 2C;
- (+) (23) Hay Creek, (T.161, 162, 163, R.37, 38, 39): 2C;
- (+) (24) Hill River, (T.148, 149, 150, R.39, 40, 41, 42): 2C;
- (25) Holmstad Creek, (T.136, R.37, S.7; T.136, R.38, S.12, 13, 14): 1B, 2A, 3B;
- (+) (26) Hoover Creek (excluding trout waters), (T.152, 153, 154, R.29, 30): 2C;
- (-) (27) Joe River, (T.162, 163, 164, R.49, 50): 2C;
- (+) (28) Joe River, Little, (T.163, R.47, 48): 2C;
- (+) (29) Judicial Ditch No. 13, Goodridge, (T.154, R.40, S.16, 17, 18): 7;
- (-) (30) Judicial Ditch No. 18, Goodridge, (T.154, R.40, S.18, 19, 27, 28, 29, 30; T.154, R.41, S.13, 14, 15, 16, 17, 18; T.154, R.42, S.7, 8, 13, 14, 15, 16; T.154, R.43, S.9, 10, 11, 12, 16): 7;
- (31) Lawndale Creek, (T.135, R.45, S.5, 6; T.135, R.46, S.1, 2): 1B, 2A, 3B;
- (32) Lengby Creek, (T.147, R.39, S.33, 34): 1B, 2A, 3B;

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## Proposed Rules

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- (33) Long Branch Creek, (T.134, R.42, S.7): 1B, 2A, 3B;
- (34) Lost River, (T.148, R.38, S.20, 21, 22, 27, 28): 1B, 2A, 3B;
- ~~(20)~~ (35) Maple Creek, (T.147, 148, R.44, 45, 46): 2C;
- ~~(21)~~ (36) Marsh Creek, (T.144, 145, 146, R.41, 42, 43): 2C;
- (37) Meadow Creek, (T.151, R.30, S.6; T.151, R.31, S.1, 2): 1B, 2A, 3B;
- (38) Mud Creek, (T.144, R.37, S.13, 14, 22, 23, 24): 1B, 2A, 3B;
- (39) Mud River, (T.150, R.33, S.21, 28): 1B, 2A, 3B;
- ~~(22)~~ (40) Mustinka River, (T.127, 128, R.45, 46, 47): 2C;
- ~~(23)~~ (41) Mustinka River, West Branch, (T.125, 126, 127, 128, R.45, 46, 47): 2C;
- (42) Nassett Creek, (T.148, R.38, S.20, 28, 29): 1B, 2A, 3B;
- (43) O'Brien Creek, (T.149, R.32, S.2; T.150, R.32, S.23, 24, 26, 35): 1B, 2A, 3B;
- ~~(24)~~ (44) Otter Tail River, (Height of Land Lake to mouth): 1C, 2Bd, 3B;
- ~~(25)~~ (45) Rabbit River, (T.130, 131, R.45, 46, 47): 2C;
- ~~(26)~~ (46) Rabbit River, South Fork, (T.130, R.45, 46): 2C;
- ~~(27)~~ (47) Red Lake River, (Outlet of Lower Red Lake to mouth): 1C, 2Bd, 3B;
- ~~(28)~~ (48) Red River of the North, (Breckenridge to Canadian border): 1C, 2Bd, 3B;
- ~~(29)~~ (49) Roy Creek (Roy Lake Creek), (T.144, 145, R.39): 2C;
- (50) Rush Lake Creek, (T.135, R.38, S.23, 26, 27, 28): 1B, 2A, 3B;
- (51) Schermerhorn Creek, (T.144, R.39, S.6; T.145, R.39, S.31; T.145, R.40, S.25, 26, 36): 1B, 2A, 3B;
- ~~(30)~~ (52) Spring Creek, (T.145, 146, R.45, 46, 47): 2C;
- ~~(31)~~ (53) Spring Creek, (T.142, R.41, 42): 2C;
- (54) Spring Creek, (T.149, R.30, S.4, 5, 9, 10): 1B, 2A, 3B;
- (55) Spring Lake Creek, (T.148, R.35, S.34, 35): 1B, 2A, 3B;
- ~~(32)~~ (56) Stony Creek, (T.137, R.45, 46): 2C;
- (57) Sucker Creek, (T.138, R.40, S.18; T.138, R.41, S.13): 1B, 2A, 3B;
- ~~(33)~~ (58) Sucker Creek, (T.160, 161, R.39): 2C;
- ~~(34)~~ (59) ~~Tamarac~~ Tamarac River (Source to Stephen), (T.157, 158, R.45, 46, 47, 48): 1C, 2Bd, 3B;
- (60) Toad River, (T.138, R.38, S.6, 7, 18, 19, 30; T.139, R.38, S.30, 31; T.139, R.39, S.25, 36; T.138, R.39, S.25, 26): 1B, 2A, 3B;
- ~~(35)~~ (61) Twelve Mile Creek (excluding Class 7 segment), (T.126, 127, R.45): 2C;
- ~~(36)~~ (62) Twelve Mile Creek (County Ditch No. 1), Donnelly, (T.126, R.43, S.16, 17, 18, 19, 21, 22, 25, 26, 27; T.126, R.44, S.23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33; T.126, R.45, S.25, 26, 27, 28, 36): 7;
- ~~(37)~~ (63) Twelve Mile Creek, East Fork, (T.125, 126, R.44, 45): 2C;
- ~~(38)~~ (64) Twelve Mile Creek, West Fork, (T.125, 126, R.44, 45): 2C;
- ~~(39)~~ (65) Twin Lake Creek, (T.144, 145, R.40): 2C;
- (40) (66) Two Rivers, Middle Branch, (Source to Hallock): 1C, 2Bd, 3B;
- ~~(41)~~ (67) Two Rivers, South Branch, (T.161, R.41-49): 1C, 2Bd, 3B;
- (42) (68) Unnamed Creek, Rothsay, (T.135, R.45, S.21, 22, 23, 25, 26): 7;
- ~~(43)~~ (69) Unnamed Creek, Shevlin, (T.147, R.36, S.17, 18; T.147, R.37, S.11, 12, 13, 14): 7;
- (44) (70) Unnamed Ditch, Audubon, (T.139, R.42, S.4, 9): 7;
- (45) (71) Unnamed Ditch, Lake Park, (T.139, R.43, S.4; T.140, R.43, S.33): 7;
- (46) (72) Unnamed Ditch, Glyndon, (T.139, R.47, S.1, 2, 12; T.140, R.47, S.35): 7;
- ~~(47)~~ (73) Unnamed Ditch, Callaway, (T.140, R.41, S.6; T.140, R.42, S.1, 2, 10, 11): 7;

- (48) (74) Unnamed Ditch, Gary, (T.145, R.44, S.22, 27, 34): 7;
- (49) (75) Unnamed Ditch, Erskine, (T.149, R.42, S.34, 35): 7;
- (50) (76) Unnamed Ditch, Thief River Falls, (T.154, R.43, S.31, 32, 33): 7;
- (51) (77) Unnamed Ditch, Warroad, (T.163, R.37, S.19, 20, 21, 22, 23; T.163, R.38, S.19, 20, 21, 22, 23, 24, 30; T.163, R.39, S.25, 31, 32, 33, 34, 35, 36): 7;
- (52) (78) Whiskey Creek, (T.137, R.44, 45, 46): 2C;
- (53) (79) Whiskey Creek, (T.133, 134, R.47, 48): 2C;
- (54) (80) White Earth River, (T.143, 144, R.40, 41, 42): 2C;
- (55) (81) Willow Creek, New York Mills, (T.135, R.38, S.13, 14, 15, 16, 17, 18): 7; and
- (56) (82) Wolverton Creek, (T.135, 136, 137, R.48): 2C.

B. Lakes:

- (1) Bass Lake, (T.135, R.42W, S.10, 11): 1B, 2A, 3B;
- (2) Hanson Lake, (T.139, R.39W, S.6): 1B, 2A, 3B;
- (+) (3) Lake Bronson, (T.160, 161, R.46): 1C, 2Bd, 3B;
- (2) (4) Twin Lake, East, (T.138, R.41): 1B, 2A, 3B;
- (3) (5) Unnamed Slough, Vergas, (T.137, R.40, S.18; T.137, R.41, S.13, 24): 7; and
- (4) \*Green Water Lake, [11/5/84P] (Waters within the Green Water Lake Scientific and Natural Area, Becker County, T.141, R.38, S.28, 33, 34): 2B, 3B
- (6) Wapatus (Island) Lake, (T.144, R.38W, S.21, 28): 1B, 2A, 3B.

C. Fens:

- (1) \*B-B Ranch fen, [3/7/88R] (T.141, R.46, S.13): 2B, 3B; \*Agassiz-Olson WMA fen, 17, Norman [ / / ] (T.146, R.45, S.22): 2D;
- (2) \*Anna Gronseth Prairie fen, 47, Wilkin [ / / ] (T.134, R.45, S.15): 2D;
- (3) \*Anna Gronseth Prairie fen, 49, Wilkin [ / / ] (T.134, R.45, S.10): 2D;
- (4) \*Anna Gronseth Prairie fen, 52, Wilkin [ / / ] (T.134, R.45, S.4): 2D;
- (5) \*Barnesville Moraine fen, 44, Clay [ / / ] (T.137, R.44, S.18): 2D;
- (6) \*Barnesville WMA fen, 10, Clay [3/7/88R] (T.137, R.45, S.1): 2B, 3B 2D;
- (7) \*Barnesville WMA fen, 43, Clay [ / / ] (T.137, R.44, S.18): 2D;
- (8) \*Chicog Prairie fen, 39, Polk [ / / ] (T.148, R.45, S.28): 2D;
- (9) \*Chicog Prairie fen, 40, Polk [3/7/88R] (T.148, R.45, S.33): 2D;
- (3) (10) \*Chicog WMA Prairie fen, 41, Polk [3/7/88R] (T.148, R.45, S.20, 29, 33): 2B, 3B 2D;
- (11) \*Chicog Prairie fen, 42, Polk [3/7/88R] (T.148, R.45, S.33): 2D;
- (4) (12) \*Clearbrook fen, 61, Clearwater [3/7/88R] (T.149, R.37, S.17): 2B, 3B 2D;
- (13) \*Faith Prairie fen, 15, Norman [ / / ] (T.144, R.43, S.26): 2D;
- (14) \*Faith Prairie fen, 16, Norman [ / / ] (T.144, R.43, S.35): 2D;
- (15) \*Faith Prairie fen, 27, Norman [3/7/88R] (T.144, R.43, S.25): 2D;
- (5) (16) \*Felton Prairie fen, 28, Clay [3/7/88R] (T.142, R.46, S.36): 2B, 3B 2D;
- (6) \*Kertsonville WMA fen, [3/7/88R] (T.149, R.45, S.16): 2B, 3B;
- (7) \*Pankratz fen (Svedarsky's fen), [3/7/88R] (T.149, R.45, S.17): 2B, 3B;

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## Proposed Rules

- (8) \*Pembina Trail Preserve, [3/7/88P] (Waters within the Pembina Trail Preserve Scientific and Natural Area, Polk County, S.1, 2, T.148, R.45; S.18, 19, 30, 31, T.149, R.44; S.13, 24, 25, 36, T.149, R.45): ~~2B, 3B~~;
- (9) \*Primula Meadow (Faith fen), [3/7/88R] (T.144, R.43, S.25): ~~2B, 3B~~;
- (17) \*Felton Prairie fen, 36, Clay [3/7/88R] (T.141, R.46, S.13): 2D;
- (18) \*Felton Prairie fen, 48, Clay [ / / ] (T.142, R.45, S.31): 2D;
- (19) \*Felton Prairie fen, 53, Clay [ / / ] (T.141, R.46, S.24): 2D;
- (20) \*Green Meadow fen, 14, Norman [ / / ] (T.145, R.45, S.35, 36): 2D;
- (21) \*Haugtvedt WPA North Unit, 54, Clay [ / / ] (T.137, R.44, S.28, 29): 2D;
- (22) \*Kittleson Creek Mire fen, 55, Polk [ / / ] (T.147, R.44, S.6, 7): 2D;
- (23) \*Rothsay Prairie fen, 46, Wilkin [ / / ] (T.136, R.45, S.33): 2D;
- (24) \*Rothsay Prairie fen, 50, Wilkin [ / / ] (T.135, R.45, S.15, 16): 2D;
- (25) \*Rothsay Prairie fen, 51, Wilkin [ / / ] (T.135, R.45, S.9): 2D;
- (26) \*Sanders East fen, 65, Pennington [ / / ] (T.153, R.44, S.7): 2D;
- (27) \*Sanders East fen, 74, Pennington [ / / ] (T.153, R.44, S.7): 2D;
- (28) \*Sanders fen, 64, Pennington [ / / ] (T.153, R.44, S.18, 19): 2D;
- (40) (29) \*Spring Creek WMA NHR fen, 34, Becker [3/7/88R] (T.142, R.42, S.13): ~~2B, 3B~~ 2D;
- (44) (30) \*Spring Prairie fen, 37, Clay [3/7/88R] (T.140, R.46, S.11): ~~2B, 3B~~; and 2D;
- (31) \*Tamarac River fen, 71, Marshall [ / / ] (T.157, R.46, S.2): 2D;
- (32) \*Tympanuchus Prairie fen, 26, Polk [3/7/88R] (T.149, R.45, S.17): 2D;
- (33) \*Tympanuchus Prairie fen, 38, Polk [3/7/88R] (T.149, R.45, S.16): 2D;
- (34) \*Viking fen, 68, Marshall [ / / ] (T.155, R.45, S.18): 2D;
- (35) \*Viking fen, 70, Marshall [ / / ] (T.155, R.45, S.20): 2D;
- (36) \*Viking Strip fen, 69, Marshall [ / / ] (T.154, R.45, S.4): 2D; and
- (42) (37) \*Waubun WMA fen, 11, Mahnomon [3/7/88R] (T.143, R.42, S.25): ~~2B, 3B~~ 2D.

### D. Scientific and Natural Areas:

- (1) \*Green Water Lake, [11/5/84P] Waters within the Green Water Lake Scientific and Natural Area, Becker County, (T.141, R.38, S.28, 33, 34): ~~2B, 3B~~, except wetlands which are 2D; and
- (2) \*Pembina Trail Preserve, [3/7/88P] Waters within the Pembina Trail Preserve Scientific and Natural Area, Polk County, (T.148, R.45, S.1, 2; T.149, R.44, S.18, 19, 30, 31; T.149, R.45, S.13, 24, 25, 36): ~~2B, 3B~~, except wetlands which are 2D.

Subp. 4. **Upper Mississippi River Basin.** The water use classifications for the listed waters in the Upper Mississippi River Basin are as identified in items A and B, and D.

### A. Streams:

- (1) Alcohol Creek, (T.143, 144, R.34): 2C;
- (2) Arramba Creek, (T.40, R.30): 2C;
- (3) Barbour Creek, (T.44, R.28, S.28): 1B, 2A, 3B;
- (4) Basswood Creek, (T.141, 142, R.36): 2C;
- (5) Battle Brook, (T.35, R.26, 27): 2C;
- (6) Battle Creek, (T.120, R.30, 31): 2C;
- (7) Bear Brook, (T.144, R.27): 2C;
- (8) Bear Creek, (T.145, R.36): 2C;
- (9) Beautiful Creek, (T.127, R.31): 2C;
- (10) Beaver Creek, (T.136, 137, R.32, 33): 2C;
- (11) Belle Creek, (T.117, 118, R.32): 2C;

- (12) Black Bear Brook, (T.44, R.28, S.7, 8): 1B, 2A, 3B;  
~~(11)~~ (13) Birch Brook, (T.141, R.25): 2C;  
~~(12)~~ (14) Black Brook, (T.41, 42, R.26): 2C;  
~~(13)~~ (15) Black Brook, (T.42, 43, R.30): 2C;  
(16) Blackhoof Creek, (T.46, R.29, S.16): 1B, 2A, 3B;  
~~(14)~~ (17) Blackwater Creek, (T.55, R.26): 2C;  
~~(15)~~ (18) Blueberry River, (T.138, 139, R.35, 36): 2C;  
~~(16)~~ (19) Bluff Creek, (T.135, 136, R.36, 37): 2C;  
~~(17)~~ (20) Bogus Brook (excluding Class 7 segment), (T.37, 38, R.26): 2C;  
~~(18)~~ (21) Bogus Brook, Bock, (T.38, R.26, S.13, 14): 7;  
(22) Borden Creek, (T.44, R.28, S.8, 9, 17, 20): 1B, 2A, 3B;  
(23) Briggs Creek, (T.35, R.29, S.2, 11, 12, 14, 15, 22): 1B, 2A, 3B;  
~~(19)~~ (24) Buckman Creek (excluding Class 7 segment), (T.39, 40, R.30, 31): 2C;  
~~(20)~~ (25) Buckman Creek, Buckman, Buckman Coop Cry., (T.39, R.30, S.4, 5, 6, 9; T.39, R.31, S.1, 2, 10, 11; T.40, R.30, S.31; T.40, R.31, S.36): 7;  
(26) Bungo Creek, (T.137, R.30, S.6; T.137, R.31, S.1, 11, 12, 14, 21, 22, 23; T.138, R.30, S.31): 1B, 2A, 3B;  
(27) Bungoshine Creek, (T.145, R.32, S.28, 29, 30; T.145, R.33, S.25, 26, 34, 35): 1B, 2A, 3B;  
(28) Bunker Hill Brook, (T.38, R.30, S.6; T.38, R.31, S.1, 2, 10, 11): 1B, 2A, 3B;  
(29) Camp Creek, (T.43, R.28, S.4, 5): 1B, 2A, 3B;  
(30) Camp Ripley Brook, (T.132, R.30, S.13, 24): 1B, 2A, 3B;  
(31) Cat Creek, (T.137, R.35, S.4, 9, 10, 11, 12, 13): 1B, 2A, 3B;  
~~(21)~~ (32) Cat River (excluding trout waters), (T.136, 137, R.33, 34, 35): 2C;  
(33) Cedar Lake Creek, (T.138, R.31, S.14, 23, 26, 27, 28): 1B, 2A, 3B;  
~~(22)~~ (34) Chase Brook, (T.38, 39, R.27): 2C;  
~~(23)~~ (35) Clearwater Creek, (T.56, 57, R.24, 25): 2C;  
(36) Cold Creek, (T.145, R.33, S.19): 1B, 2A, 3B;  
(37) Cold Spring Creek, (T.123, R.30, S.14, 15): 1B, 2A, 3B;  
~~(24)~~ (38) Coon Creek, (T.43, R.29, 30): 2C;  
(39) Corey Brook, (T.135, R.30, S.9, 15, 16, 21, 22, 27): 1B, 2A, 3B;  
~~(25)~~ (40) County Ditch No. 15 (Bear Creek), Bertha, (T.132, R.35, S.2; T.133, R.34, S.7; T.133, R.35, S.12, 13, 24, 25, 26, 35): 7;  
~~(26)~~ (41) County Ditch No. 23, Garfield, (T.129, R.38, S.26, 27): 7;  
~~(27)~~ (42) County Ditch No. 23A, Willmar, (T.119, R.34, S.29, 30; T.119, R.35, S.23, 25, 26): 7;  
~~(28)~~ (43) County Ditch No. 42, McGregor, (T.47, R.23, S.6; T.47, R.24, S.1; T.48, R.23, S.29, 31, 32): 7;  
~~(29)~~ (44) County Ditch No. 63, Near Hutchinson, West Lynn Coop Cry., (T.116, R.30, S.19, 20, 21, 28, 33): 7;  
~~(30)~~ (45) County Ditch No. 132, Lakeside, Lakeside Coop Cry., (T.116, R.31, S.16, 21): 7;  
~~(31)~~ (46) Crane Creek (excluding Class 7 segment), (T.116, 117, R.26, 27): 2C;  
~~(32)~~ (47) Crane Creek, Winsted, (T.117, R.27, S.14, 20, 21, 22, 23, 24, 25): 7;

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## Proposed Rules

- 3B; ~~(33)~~ (48) \*Crow River, North Fork, [11/5/84R] (From the Lake Koronis outlet to the Meeker - Wright County line): 2B,
- (49) Cullen Brook, (T.136, R.28, S.18, 19, 30; T.136, R.29, S.13): 1B, 2A, 3B;
- (50) Dabill Brook, (T.137, R.31, S.1, 2, 9, 10, 11, 16; T.138, R.31, S.36): 1B, 2A, 3B;
- ~~(34)~~ (51) Dagget Brook, (T.43, R.29, 30): 2C;
- (52) Duel Creek, (T.129, R.32, S.20): 1B, 2A, 3B;
- ~~(35)~~ (53) Eagle Creek, (T.120, R.29): 2C;
- ~~(36)~~ (54) Elk River, Little, (T.130, 131, R.30, 31): 2C;
- ~~(37)~~ (55) Elk River, South Branch, Little, (T.130, R.30, 31, 32): 2C;
- ~~(38)~~ (56) Estes Brook, (T.36, 37, 38, R.27, 28): 2C;
- ~~(39)~~ (57) Everton Creek, (T.149, R.30): 2C;
- (58) Fairhaven Creek, (T.121, R.28, S.5; T.122, R.28, S.29, 31, 32): 1B, 2A, 3B;
- ~~(40)~~ (59) Farley Creek, (T.147, R.28): 2C;
- (60) Farnham Creek, (T.135, R.32, S.5, 6, 7; T.136, R.32, S.2, 3, 9, 10, 16, 19, 20, 21, 29, 31, 32): 1B, 2A, 3B;
- (61) Fawn Creek, (T.134, R.33, S.22, 27, 33, 34): 1B, 2A, 3B;
- (62) Finn Creek, (T.135, R.37, S.27, 34): 1B, 2A, 3B;
- ~~(41)~~ (63) Fish Creek, (T.28, R.22): 2C;
- ~~(42)~~ (64) Fletcher Creek, (T.42, R.31): 2C;
- ~~(43)~~ (65) Foley Brook, (T.141, R.25): 2C;
- ~~(44)~~ (66) Frederick Creek, (T.119, R.25): 2C;
- ~~(45)~~ (67) Frontenac Creek, (T.145, R.34): 2C;
- ~~(46)~~ (68) Hanson Brook, (T.40, R.27): 2C;
- (69) Hanson Brook (Three-Mile), (T.122, R.28, S.21, 22, 25, 26, 27, 36): 1B, 2A, 3B;
- (70) Hasty Brook, (T.49, R.19, S.18; T.49, R.20, S.4, 5, 9, 10, 13, 14, 15, 23; T.50, R.20, S.28, 29, 32, 33): 1B, 2A,
- 3B;
- ~~(47)~~ (71) Hay Creek, (T.43, 44, R.30, 31): 2C;
- (72) Hay Creek, (T.134, R.33, S.7, 8, 9, 10, 11, 17, 18): 1B, 2A, 3B;
- (73) Hay Creek, (T.135, R.31, S.8, 9, 17): 1B, 2A, 3B;
- ~~(48)~~ (74) Hazel Creek, (T.127, R.29, 30): 2C;
- (75) Hellcamp Creek, (T.140, R.33, S.19; T.140, R.34, S.24): 1B, 2A, 3B;
- (76) Hennepin Creek, (T.144, R.35, S.3, 10, 15, 16, 21; T.145, R.35, S.34): 1B, 2A, 3B;
- ~~(49)~~ (77) Hennepin Creek (excluding trout waters), (T.144, 145, 146, R.34, 35): 2C;
- (78) Hoblin Creek, (T.137, R.30, S.17, 18, 19): 1B, 2A, 3B;
- ~~(50)~~ (79) Indian Creek, (T.141, 142, R.36, 37): 2C;
- ~~(51)~~ (80) Irish Creek, (T.129, R.31): 2C;
- ~~(52)~~ (81) Iron Creek, (T.135, R.32): 2C;
- ~~(53)~~ (82) Jewett Creek, (T.119, 120, R.30, 31): 2C;
- ~~(54)~~ (83) Johnson Creek, (T.137, R.28): 2C;
- ~~(55)~~ (84) Judicial Ditch No. 1, Lakeside, Lakeside Coop Cry., (T.116, R.31, S.28, 33): 7;
- ~~(56)~~ (85) Judicial Ditch No. 15, Buffalo Lake, Iowa Pork Industries, Hector, (T.115, R.31, S.15, 16, 20, 21, 29, 30; T.115, R.32, S.22, 25, 26, 27, 28, 32, 33): 7;
- (86) Kabekona River, (T.143, R.32, S.6, 7, 18, 19; T.143, R.33, S.2, 3, 4, 9, 11, 12, 24; T.144, R.33, S.29, 30, 32, 33; T.144, R.34, S.24, 25, 36): 1B, 2A, 3B;

- (87) Kawishiwash Creek, (T.142, R.32, S.12): 1B, 2A, 3B;
- ~~(57)~~ (88) Kettle Creek, (T.138, R.35, 36, 37): 2C;
- (89) Kinzer Creek, (T.123, R.30, S.27, 34): 1B, 2A, 3B;
- ~~(58)~~ (90) Kitchi Creek, (T.146, 147, R.29, 30): 2C;
- ~~(59)~~ (91) Kitten Creek, (T.137, R.34, 35): 2C;
- (92) Larson Creek, (T.128, R.32, S.6): 1B, 2A, 3B;
- ~~(60)~~ (93) LaSalle Creek (excluding trout waters), (T.143, 144, R.35): 2C;
- (94) LaSalle Creek, (T.143, R.35, S.6; T.144, R.35, S.19, 30, 31): 1B, 2A, 3B;
- ~~(61)~~ (95) LaSalle River, (T.144, 145, R.35): 2C;
- ~~(62)~~ (96) Laura Brook, (T.141, R.26): 2C;
- (97) Libby Brook, (T.50, R.23, S.5, 6; T.50, R.24, S.1, 2): 1B, 2A, 3B;
- (98) Long Brook, Lower South, (T.44, R.30, S.12, 13): 1B, 2A, 3B;
- (99) Long Brook, Upper South, (T.44, R.29, S.6, 7): 1B, 2A, 3B;
- (100) Long Lake Creek, (T.46, R.25, S.10, 15): 1B, 2A, 3B;
- (101) Luxemburg Creek, (T.123, R.28, S.16, 17, 18, 19, 20, 21, 22, 30): 1B, 2A, 3B;
- (102) Matuska's Creek, (T.54, R.26, S.35, 36): 1B, 2A, 3B;
- ~~(63)~~ (103) Meadow Creek, (T.128, R.30): 2C;
- (104) Meyers Creek, (T.122, R.28, S.4; T.123, R.28, S.22, 27, 33, 34): 1B, 2A, 3B;
- (105) Michaud Brook, (T.140, R.25, S.7, 17, 18): 1B, 2A, 3B;
- ~~(64)~~ (106) Mike Drew Brook, (T.38, 39, R.26, 27): 2C;
- ~~(65)~~ (107) Mink Creek, Big, (T.41, 42, R.30, 31): 2C;
- ~~(66)~~ (108) Mink Creek, Little, (T.41, 42, R.29, 30, 31): 2C;
- ~~(67)~~ (109) \*Mississippi River, [11/5/84R] (From Lake Itasca to Fort Ripley): 2B, 3B;
- ~~(68)~~ (110) \*Mississippi River, [11/5/84R] (From Fort Ripley to the southerly boundary of Morrison County): 1C, 2Bd, 3B;
- ~~(69)~~ (111) Mississippi River, (From the southerly boundary of Morrison County to County State Aid Highway 7 bridge in Saint Cloud): 1C, 2Bd, 3B;
- ~~(70)~~ (112) \*Mississippi River, [11/5/84R] (County State Aid Highway 7 bridge in Saint Cloud to the northwestern city limits of Anoka): 1C, 2Bd, 3B;
- ~~(71)~~ (113) Mississippi River, (From the northwestern city limits of Anoka to the Upper Lock and Dam at Saint Anthony Falls in Minneapolis): 1C, 2Bd, 3B;
- ~~(72)~~ (114) Mississippi River, (Outlet of Metro Wastewater Treatment Works in Saint Paul to river mile 830, Rock Island RR Bridge): 2C, 3B;
- (115) Morrison Brook, (T.52, R.26, S.4, 9, 10, 14, 15; T.53, R.26, S.7, 8, 18, 19, 29, 30, 32, 33): 1B, 2A, 3B;
- (116) Muckey Creek, (T.139, R.33, S.1, 2, 10, 11, 12): 1B, 2A, 3B;
- (117) Necktie River (T.145, R.32, S.6, 7, 8, 9, 16; T.145, R.33, S.1): 1B, 2A, 3B;
- (118) Nelson Hay Creek, (T.130, R.31, S.1, 2): 1B, 2A, 3B;
- ~~(73)~~ (119) Northby Creek, (T.140, R.27): 2C;
- ~~(74)~~ (120) Norway Brook, (T.139, R.30): 2C;

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## Proposed Rules

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- (75) (121) O'Brien Creek, (T.56, 57, R.22): 2C;
- (76) (122) O'Neill Brook, (T.38, R.26): 2C;
- (77) (123) Oak Ridge Creek (Oak Creek), (T.133, 134, R.36): 2C;
- (124) Olson Brook, (T.136, R.30, S.12, 13, 14): 1B, 2A, 3B;
- (125) Peterson Creek, (T.134, R.30, S.29, 33): 1B, 2A, 3B;
- (126) Pickedee Creek, (T.144, R.32, S.29, 30; T.144, R.33, S.24, 25): 1B, 2A, 3B;
- (127) Pickerel Creek, (T.56, R.22, S.7, 18; T.56, R.23, S.13): 1B, 2A, 3B;
- (78) (128) Pigeon River, (T.147, R.27): 2C;
- (79) (129) Pike Creek (excluding Class 7 segment), (T.129, R.30): 2C;
- (80) (130) Pike Creek, Flensburg, (T.129, R.30, S.17, 18, 19, 20): 7;
- (81) (131) Pillager Creek, (T.133, R.30): 2C;
- (82) (132) Pioneer Creek, (T.118, R.24): 2C;
- (133) Pokegama Creek, (T.54, R.26, S.26, 27, 28): 1B, 2A, 3B;
- (134) Pokegama Creek, Little, (T.54, R.26, S.26, 27, 34, 35): 1B, 2A, 3B;
- (135) Poplar Brook, (T.135, R.32, S.5, 6; T.136, R.32, S.22, 27, 28, 32, 33): 1B, 2A, 3B;
- (83) (136) Prairie Brook, (T.36, R.27): 2C;
- (84) (137) Rat Creek, (T.144, 145, R.34): 2C;
- (85) (138) Rice Creek, (T.30, 31, 32, R.22, 23, 24): 1C, 2Bd, 3B;
- (86) (139) Rice Creek, (T.35, R.29): 2C;
- (140) Robinson Hill Creek, (T.123, R.28, S.4, 9, 10, 15; T.124, R.28, S.31, 32, 33): 1B, 2A, 3B;
- (141) Rock Creek, Little (Benton), (T.38, R.31, S.3, 4, 10, 15, 21, 22, 28; T.39, R.30, S.17, 18, 20, 21, 22; T.39, R.31, S.13, 14, 22, 23, 26, 27, 33, 34): 1B, 2A, 3B;
- (142) Rogers Brook, (T.134, R.30, S.29, 32): 1B, 2A, 3B;
- (143) Rosholt Creek, (T.55, R.23, S.22, 23, 24): 1B, 2A, 3B;
- (144) Round Creek, (T.43, R.31, S.14, 15): 1B, 2A, 3B;
- (145) Round Prairie Creek, (T.127, R.33, S.4; T.128, R.33, S.20, 29, 32, 33): 1B, 2A, 3B;
- (87) (146) \*Rum River, [11/5/84P] (From the Ogechie Lake spillway to the northernmost confluence with Lake Onamia):  
2B, 3B;
- (88) (147) \*Rum River, [11/5/84R] (From the State Highway 27 bridge in Onamia to Madison and Rice Streets in Anoka):  
2B, 3B;
- (148) Sand Creek, (T.45, R.30, S.2, 3, 11, 13, 14; T.46, R.30, S.34): 1B, 2A, 3B;
- (149) Sand Creek, (T.55, R.23, S.15, 22, 27, 28, 29, 32, 33): 1B, 2A, 3B;
- (150) Sauk Creek, Little, (T.127, R.34, S.1; T.128, R.34, S.36): 1B, 2A, 3B;
- (151) Schoolcraft Creek, (T.142, R.34, S.5, 7, 8, 17): 1B, 2A, 3B;
- (89) (152) Seven Mile Creek, (T.133, 134, R.30, 31): 2C;
- (153) Shingobee River (Cass), (T.141, R.31, S.16, 17, 18, 19; T.141, R.32, S.24): 1B, 2A, 3B;
- (154) Sisseebakwet Creek, (T.54, R.26, S.19, 29, 30): 1B, 2A, 3B;
- (90) (155) Six Mile Brook, (T.143, 144, R.26, 27): 2C;
- (91) (156) Skimmerhorn Creek, (T.149, R.30): 2C;
- (92) (157) Skunk Creek, (T.144, R.34): 2C;
- (93) (158) Skunk River (Co. Dt. No. 37) (Co. Dt. No. 29), Brooten, (T.123, R.35, S.4, 5, 9; T.123, R.35, S.9, 10, 11, 12; T.123, R.34, S.3, 4, 5, 6, 7, 8): 7;
- (159) Smart's Creek, (T.126, R.28, S.17, 18, 20): 1B, 2A, 3B;

- (160) Smith Creek, (T.53, R.26, S.1, 9, 10, 11, 12, 13, 14, 15; T.54, R.26, S.35, 36): 1B, 2A, 3B;
- (161) Smith Creek, Unnamed Tributary, (T.53, R.26, S.11, 12): 1B, 2A, 3B;
- (162) Smith Creek, Unnamed Tributary, (T.54, R.26, S.35, 36): 1B, 2A, 3B;
- (163) Snake River, (T.33, R.28, S.1; T.34, R.28, S.2, 11, 14, 23, 26, 35, 36; T.35, R.28, S.20, 28, 29, 33, 34, 35): 1B, 2A, 3B;
- ~~(94)~~ (164) Snowball Creek, (T.56, R.23): 2C;
- ~~(95)~~ (165) Split Hand Creek, (T.53, R.24): 2C;
- (166) Spring Brook, (T.121, R.28, S.7; T.121, R.29, S.12): 1B, 2A, 3B;
- (167) Spring Brook, (T.138, R.28, S.27, 34): 1B, 2A, 3B;
- (168) Spring Brook, (T.139, R.26, S.3, 10, 11, 14): 1B, 2A, 3B;
- (169) Spring Brook, Lower, (T.57, R.25, S.6; T.58, R.25, S.31): 1B, 2A, 3B;
- (170) Spring Creek, (T.55, R.23, S.25, 26, 27): 1B, 2A, 3B;
- (171) Spruce Creek (Douglas), (T.131, R.36, S.28, 29, 31, 32, 33, 34): 1B, 2A, 3B;
- (172) Spruce Creek (Otter Tail), (T.130, R.36, S.3, 4, 9, 10): 1B, 2A, 3B;
- ~~(96)~~ (173) Stag Brook, (T.121, 122, R.30, 31): 2C;
- (174) Stall Creek, (T.143, R.33, S.12, 13, 14): 1B, 2A, 3B;
- ~~(97)~~ (175) Stanchfield Brook Branch, Lower Braham, (T.37, R.23, S.3, 10, 15, 22): 7;
- ~~(98)~~ (176) Stocking Creek, (T.138, R.35): 2C;
- (177) Stoney Brook, (T.135, R.29, S.5, 8, 9; T.136, R.29, S.30, 31, 32; T.136, R.30, S.20, 21, 22, 25, 26, 27, 29, 30; T.136, R.31, S.24, 25, 26): 1B, 2A, 3B;
- ~~(99)~~ (178) Stony Brook (Stoney Brook), Foley, (T.36, R.29, S.2, 9, 10, 11, 16; T.37, R.29, S.35, 36): 7;
- ~~(100)~~ (179) Stony Creek, (T.140, R.28): 2C;
- ~~(101)~~ (180) Stony Point Brook, (T.147, R.28): 2C;
- (181) Straight Creek, Upper, (T.141, R.36, S.30, 31; T.141, R.37, S.24, 25): 1B, 2A, 3B;
- (182) Straight Lake Creek, (T.140, R.36, S.6; T.140, R.37, S.1, 2): 1B, 2A, 3B;
- (183) Straight River, (T.139, R.34, S.7; T.139, R.35, S.4, 5, 6, 9, 10, 11, 12; T.139, R.36, S.1; T.140, R.36, S.28, 29, 33, 34, 35, 36): 1B, 2A, 3B;
- (184) Sucker Brook (Gould Creek), (T.144, R.36, S.27, 28, 29, 30, 32, 33): 1B, 2A, 3B;
- (185) Sucker Creek, (T.118, R.30, S.4, 5, 6, 7): 1B, 2A, 3B;
- ~~(102)~~ (186) Sucker Creek (Gould Creek) (excluding trout waters), (T.143, 144, R.36): 2C;
- ~~(103)~~ (187) Swamp Creek, Big, (T.137, 138, 139, R.32, 33): 2C;
- ~~(104)~~ (188) Swamp Creek, Little, (T.136, 137, R.33): 2C;
- ~~(105)~~ (189) Swan Creek, (T.134, 135, R.32): 2C;
- ~~(106)~~ (190) Swan Creek, Little, (T.135, R.32): 2C;
- ~~(107)~~ (191) Swift River, (T.142, R.27): 2C;
- ~~(108)~~ (192) Taylor Creek, (T.128, R.31): 2C;
- ~~(109)~~ (193) Ted Brook Creek, (T.130, R.31): 2C;
- (194) Thiel Creek (Teal), (T.121, R.28, S.5, 6, 8): 1B, 2A, 3B;
- ~~(110)~~ (195) Tibbits Brook, (T.33, 34, R.26, 27): 2C;

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## Proposed Rules

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- (111) (196) Tibbetts Creek (Tibbetts Brook), (T.39, 40, R.27, 28): 2C;
- (112) (197) Tower Creek, (T.135, R.32, 33): 2C;
- (113) (198) Two Rivers, South Branch, Albany, (T.125, R.31, S.21, 22, 23): 7;
- (199) Two Rivers Springs, (T.51, R.23, S.19; T.51, R.24, S.24, 25, 26): 1B, 2A, 3B;
- (200) Union Creek, (T.134, R.35, S.4, 5, 7, 8, 18, 19, 30, 31; T.135, R.35, S.27, 28, 33, 34): 1B, 2A, 3B;
- (201) Unnamed Creek, (T.137, R.31, S.4, 5): 1B, 2A, 3B;
- (202) Unnamed Creek, (T.139, R.26, S.3, 10): 1B, 2A, 3B;
- (114) (203) Unnamed Creek, Calumet, (T.56, R.23, S.21): 7;
- (115) (204) Unnamed Creek, Hiller Mobile Home Court, (T.119, R.26, S.22, 26, 27, 35): 7;
- (116) (205) Unnamed Creek, Rogers, (T.120, R.23, S.15, 16, 22, 23): 7;
- (206) Unnamed Creek, Grove City, (T.120, R.32, S.34, 35, 36): 7;
- (117) (207) Unnamed Creek, Albertville, (T.121, R.23, S.30; T.121, R.24, S.25, 36): 7;
- (118) (208) Unnamed Creek, Eden Valley, Ruhland Feeds, (T.121, R.31, S.2; T.122, R.31, S.35): 7;
- (119) (209) Unnamed Creek, Lake Henry, (T.123, R.33, S.11, 14): 7;
- (120) (210) Unnamed Creek, Milona, (T.129, R.36, S.6; T.130, R.36, S.30, 31): 7;
- (121) (211) Unnamed Ditch, Braham, (T.37, R.23, S.2, 3): 7;
- (122) (212) Unnamed Ditch, Ramey, Ramey Farmers Coop Cry., (T.38, R.28, S.4, 5; T.39, R.28, S.29, 30, 32; T.39, R.29, S.25, 26, 27, 28): 7;
- (123) (213) Unnamed Ditch, McGregor, (T.48, R.23, S.31, 32): 7;
- (124) (214) Unnamed Ditch, Nashwauk, (T.56, R.22, S.4, 5; T.57, R.22, S.32): 7;
- (125) (215) Unnamed Ditch, Taconite, (T.56, R.24, S.22): 7;
- (126) (216) Unnamed Ditch, Glencoe, Green Giant, (T.115, R.28, S.21, 22, 27, 28): 7;
- (127) (217) Unnamed Ditch, Glencoe, Green Giant, (T.115, R.28, S.14, 23): 7;
- (128) (218) Unnamed Ditch, Winsted, Green Giant, (T.117, R.27, S.10, 11): 7;
- (129) (219) Unnamed Ditch, Hiller Mobile Home Court, (T.119, R.26, S.34, 35): 7;
- (130) (220) Unnamed Ditch, Kandiyohi, (T.119, R.34, S.10, 15, 21, 22, 28, 29, 32): 7;
- (131) (221) Unnamed Ditch, Rogers, (T.120, R.23, S.15): 7;
- (222) Unnamed Ditch, Belgrade, (T.123, R.34, S.19, 30): 7;
- (132) (223) Unnamed Ditch, Flensburg, (T.129, R.30, S.30; T.129, R.31, S.25): 7;
- (133) (224) Unnamed Ditch, Milona, (T.130, R.36, S.30; T.130, R.37, S.25, 36): 7;
- (134) (225) Unnamed Stream, Winsted, (T.117, R.27, S.11, 12): 7;
- (135) (226) Unnamed Stream, Flensburg, (T.129, R.30, S.19, 30): 7;
- (136) (227) Vandell Brook, (T.37, 38, R.26): 2C;
- (228) Van Sickle Brook, (T.138, R.26, S.14, 15, 23, 24): 1B, 2A, 3B;
- (229) Vermillion Creek, Little, (T.143, R.25, S.22, 27): 1B, 2A, 3B;
- (230) Wallingford Brook, (T.139, R.33, S.1, 2, 11; T.140, R.33, S.25, 36): 1B, 2A, 3B;
- (231) Warba Creek, (T.54, R.23, S.13, 14, 15, 21, 22, 23, 24): 1B, 2A, 3B;
- (137) (232) Welcome Creek, (T.56, 57, R.22): 2C;
- (233) Whitley's Creek, (T.45, R.30, S.16, 17, 20, 21): 1B, 2A, 3B;
- (138) (234) Whitney Brook, (T.39, R.26, 27): 2C;
- (235) Willow Creek, (T.133, R.38, S.2, 11; T.134, R.38, S.26, 35): 1B, 2A, 3B;
- (236) Willow Creek, (T.121, R.29, S.10, 11, 14, 23): 1B, 2A, 3B;

~~(139)~~ (237) Willow River, North Fork, (T.142, R.25): 2C;

~~(140)~~ (238) Willow River, South Fork, (T.142, R.25): 2C;

~~(141)~~ (239) Wilson Creek, (T.137, R.30): 2C; and

~~(142)~~ (240) Wolf Creek, (T.42, R.30): 2C;

~~(143)~~ \*Itasea Wilderness Sanctuary, [11/5/84P] (Waters within the Itasea Wilderness Sanctuary, Clearwater County, T.143, R.36): 2B, 3B;

~~(144)~~ \*Iron Springs Bog, [11/5/84P] (Waters within the Iron Springs Bog Scientific and Natural Area, Clearwater County, T.144, R.36): 2B, 3B;

~~(145)~~ \*Pennington Bog, [11/5/84P] (Waters within the Pennington Bog Scientific and Natural Area, Beltrami County, T.146, R.30): 2B, 3B; and

~~(146)~~ \*Wolsfeld Woods, [11/5/84P] (Waters within the Wolsfeld Woods Scientific and Natural Area, Hennepin County, T.118, R.23): 2B, 3B.

B. Lakes:

(1) Allen Lake, (T.138, R.26W, S.5): 1B, 2A, 3B;

~~(+)~~ (2) Bald Eagle Lake, (T.30, 31, R.21, 22): 1C, 2Bd, 3B;

(3) Bee Cee Lake, (T.58, R.25W, S.28, 33): 1B, 2A, 3B;

~~(2)~~ (4) Benedict Lake, (T.142, R.32): 1B, 2A, 3B;

(5) Benjamin Lake, (T.148, R.30W, S.7, 18; T.148, R.31W, S.13): 1B, 2A, 3B;

(6) Blacksmith Lake, (T.142, R.35W, S.13): 1B, 2A, 3B;

~~(3)~~ (7) \*Blue Lake, [3/7/88R] (T.46, 47, R.27): 1B, 2A, 3B;

~~(4)~~ (8) \*Blue Lake, [3/7/88R] (T.141, R.34): 1B, 2A, 3B;

~~(5)~~ (9) \*Bluewater Lake, [3/7/88R] (T.57, R.25): 1B, 2A, 3B;

(10) Cenaiko Lake (Unnamed), (T.31, R.24W, S.26): 1B, 2A, 3B;

~~(6)~~ (11) Centerville Lake, (T.31, R.22): 1C, 2Bd, 3B;

~~(7)~~ (12) Charley Lake, (T.30, R.23): 1C, 2Bd, 3B;

(13) Crappie Lake, (T.143, R.33W, S.31): 1B, 2A, 3B;

~~(8)~~ (14) Deep Lake, (T.30, R.22): 1C, 2Bd, 3B;

(15) Diamond Lake, (T.141, R.30W, S.26, 27, 34): 1B, 2A, 3B;

(16) Hazel Lake, (T.141, R.29W, S.25): 1B, 2A, 3B;

~~(9)~~ (17) Hay Lake, Lower, (T.137, R.28, 29): 1B, 2A, 3B;

~~(10)~~ (18) \*Kabekona Lake, [3/7/88R] (T.142, 143, R.32, 33): 1B, 2A, 3B;

~~(11)~~ (19) Kennedy Lake, (T.58, R.23): 1B, 2A, 3B;

(20) Kremer Lake, (T.58, R.26W, S.33, 34): 1B, 2A, 3B;

~~(12)~~ (21) LaSalle Lake, Lower, (T.145, R.35): 1B, 2A, 3B;

(22) Little Mud Lake, (T.121, R.30W, S.22, 23): 1B, 2A, 3B;

(23) Loon (Townline) Lake, (T.50, R.22W, S.7; T.50, R.23W, S.12, 13): 1B, 2A, 3B;

(24) Lucky Lake, (T.57, R.26W, S.14): 1B, 2A, 3B;

(25) Mallen Mine Pit, (T.46, R.29W, S.17): 1B, 2A, 3B;

(26) Manuel (South Yawkey) Mine Pit, (T.46, R.29W, S.1): 1B, 2A, 3B;

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- (27) Margaret Lake, (T.139, R.26W, S.16): 1B, 2A, 3B;  
(28) Marion Lake, (T.139, R.26W, S.16, 17): 1B, 2A, 3B;  
(29) Martin (Huntington, Feigh) Mine Pit, (T.46, R.29W, S.9, 10, 16): 1B, 2A, 3B;  
(30) Moonshine Lake, Little (Moonshine), (T.58, R.25W, S.28, 33): 1B, 2A, 3B;  
(31) Newman (Putnam) Lake, (T.145, R.34W, S.10, 11): 1B, 2A, 3B;  
(43) ~~(32)~~ Otter Lake, (T.30, 31, R.22): 1C, 2Bd, 3B;  
(33) Pennington (Mahnomen, Alstead, Arco) Mine Pit, (T.46, R.29W, S.3, 9, 10, 11): 1B, 2A, 3B;  
(34) Perch Lake, (T.139, R.31W, S.33): 1B, 2A, 3B;  
(44) ~~(35)~~ Pleasant Lake, (T.30, R.22, 23): 1C, 2Bd, 3B;  
(36) Pleasant Lake, (T.137, R.27W, S.19): 1B, 2A, 3B;  
(45) ~~(37)~~ \*Pokegama Lake, [3/7/88R] (T.54, 55, R.25, 26): 1B, 2A, 3B;  
(38) Portsmouth Mine Pit, (T.46, R.29W, S.1, 2, 11): 1B, 2A, 3B;  
(46) ~~(39)~~ \*Roosevelt Lake, [3/7/88R] (T.138, 139, R.26): 1B, 2A, 3B;  
(40) Sagamore Mine Pit, (T.46, R.29W, S.19; T.46, R.30W, S.24): 1B, 2A, 3B;  
(41) Section 6 Mine Pit, (T.46, R.29W, S.6): 1B, 2A, 3B;  
(42) Snoshoe Mine Pit, (T.46, R.29W, S.17, 18): 1B, 2A, 3B;  
(43) Snowshoe (Little Andrus) Lake, (T.139, R.26W, S.29, 30): 1B, 2A, 3B;  
(44) Strawberry Lake, (T.137, R.28W, S.27, 34): 1B, 2A, 3B;  
(47) ~~(45)~~ Sucker Lake, (T.30, R.22): 1C, 2Bd, 3B;  
(46) Taylor Lake, (T.52, R.25W, S.16): 1B, 2A, 3B;  
(47) Teepee Lake, (T.141, R.29W, S.30; T.141, R.30W, S.25): 1B, 2A, 3B;  
(48) Tioga Mine Pit, (T.55, R.26W, S.26): 1B, 2A, 3B;  
(48) ~~(49)~~ \*Trout Lake, [~~3/7/88R~~] (T.55, 56, R.24): 1B, 2A, 3B;  
(49) ~~(50)~~ \*Trout Lake, Big, [3/7/88R] (T.57, 58, R.25): 1B, 2A, 3B;  
(20) ~~(51)~~ \*Trout Lake, Big, [3/7/88R] (T.137, 138, R.27, 28): 1B, 2A, 3B;  
(24) ~~(52)~~ \*Trout Lake, Little, [3/7/88R] (T.57, R.25): 1B, 2A, 3B;  
(22) ~~(53)~~ Unnamed Swamp, Flensburg, (T.129, R.31, S.25): 7;  
(23) ~~(54)~~ Unnamed Slough, Miliona, (T.130, R.37, S.26, 35, 36): 7;  
(24) ~~(55)~~ Unnamed Swamp, Staples, (T.133, R.33, S.1): 7;  
(25) ~~(56)~~ Unnamed Swamp, Taconite, (T.56, R.24, S.22): 7;  
(26) ~~(57)~~ Vadnais Lake, (T.30, R.22): 1C, 2Bd, 3B;  
(27) ~~(58)~~ Wabana Lake, (T.57, R.25): 1B, 2A, 3B;  
(28) ~~(59)~~ Watab Lake, Big, (T.124, R.30): 1B, 2A, 3B; and  
(29) ~~(60)~~ Wilkinson Lake, (T.30, R.22): 1C, 2Bd, 3B;  
(61) Willard Lake, (T.139, R.30W, S.15): 1B, 2A, 3B; and  
(62) Yawkey (North Yawkey) Mine Pit, (T.46, R.29W, S.1): 1B, 2A, 3B.

C. Fens: None currently listed.

D. Scientific and Natural Areas:

(1) \*Itasca Wilderness Sanctuary, [11/5/84P] Waters within the Itasca Wilderness Sanctuary, Clearwater County, (T.143, R.36): 2B, 3B, except wetlands which are 2D;

(2) \*Iron Springs Bog, [11/5/84P] Waters within the Iron Springs Bog Scientific and Natural Area, Clearwater County, (T.144, R.36): 2B, 3B, except wetlands which are 2D;

(3) \*Pennington Bog, [11/5/84P] Waters within the Pennington Bog Scientific and Natural Area, Beltrami County, (T.146, R.30): 2B, 3B, except wetlands which are 2D; and

(4) \*Wolsfeld Woods, [11/5/84P] Waters within the Wolsfeld Woods Scientific and Natural Area, Hennepin County, (T.118, R.23): 2B, 3B, except wetlands which are 2D.

Subp. 5. **Minnesota River Basin.** The water use classifications for the listed waters in the Minnesota River Basin are as identified in items A, B, and C, and D.

A. Streams:

- (1) Altermatts Creek (County Ditch No. 39), Comfrey, (T.108, R.33, S.17, 19, 20, 30; T.108, R.34, S.24, 25, 35, 36): 7;
- (2) Assumption Creek, (T.115, R.23, S.2; T.116, R.23, S.34, 35): 1B, 2A, 3B;
- (~~2~~) (3) Badger Creek, (T.101, 102, R.28): 2C;
- (~~3~~) (4) Beaver Creek, East Fork (County Ditch No. 63), Olivia, Olivia Canning Company, (T.115, R.34, S.1, 2, 3, 4, 5, 6; T.115, R.35, S.1, 12, 13, 14, 23, 24, 25, 26; T.116, R.34, S.16, 20, 21, 28, 29, 30, 32, 33, 34, 35): 7;
- (~~4~~) (5) Blue Earth River, East Fork, (Brush Creek to mouth): 2C, 3B;
- (~~5~~) (6) Blue Earth River, West Fork, (Iowa border to mouth): 2C, 3B;
- (~~6~~) (7) Boiling Spring Creek (excluding Class 7 segment), (T.113, 114, R.37, 38): 2C;
- (~~7~~) (8) Boiling Springs Creek (County Ditch No. 1B), Echo, (T.113, R.38, S.5, 8; T.114, R.37, S.19, 30; T.114, R.38, S.25, 26, 27, 32, 33, 34): 7;
- (~~8~~) (9) Boot Creek (excluding Class 7 segment), (T.105, 106, R.22, 23): 2C;
- (~~9~~) (10) Boot Creek, New Richland, (T.105, R.22, S.6, 7; T.105, R.23, S.12, 13, 24): 7;
- (~~10~~) (11) Brafees Creek, (T.116, 117, R.40): 2C;
- (~~11~~) (12) Brush Creek, (Iowa border to mouth): 2C, 3B;
- (~~12~~) (13) Bull Run Creek, Little, (T.106, R.24, 25): 2C;
- (~~13~~) (14) Butterfield Creek, (T.106, 107, R.31, 32, 33): 2C;
- (15) Canby Creek, (T.114, R.45, S.17, 18; T.114, R.46, S.13, 14, 21, 22, 23): 1B, 2A, 3B;
- (~~14~~) (16) Canby Creek (excluding trout waters), (South Dakota border to mouth): 2C, 3B;
- (~~15~~) (17) Cedar Run Creek, (T.103, 104, R.32, 33): 2C;
- (~~16~~) (18) Cherry Creek, Cleveland, (T.110, R.25, S.7, 8, 16, 17; T.110, R.26, S.12): 7;
- (~~17~~) (19) Chetomba Creek (excluding Class 7 segment), (T.116, 117, R.36, 37, 38): 2C;
- (~~18~~) (20) Chetomba Creek, Prinsburg, (T.116, R.36, S.6, 7, 18, 19; T.116, R.37, S.8, 9, 14, 15, 16, 23, 24; T.117, R.36, S.8, 9, 16, 17, 21, 28, 29, 30, 31, 32): 7;
- (~~19~~) (21) Cobb Creek, Freeborn, (T.104, R.23, S.7, 8, 17; T.104, R.24, S.11, 12): 7;
- (~~20~~) (22) Cobb Creek Ditch, Freeborn, (T.103, R.23, S.2; T.104, R.23, S.14, 15, 16, 23, 26, 35): 7;
- (~~21~~) (23) Cobb River, Big, (T.104, 105, 106, 107, R.23, 24, 25, 26): 2C;
- (~~22~~) (24) Cobb River, Little, (T.105, 106, R.23, 24, 25, 26): 2C;
- (~~23~~) (25) Cottonwood Creek (excluding trout waters), (T.119, 120, 121, R.41, 42): 2C;
- (26) Cottonwood Creek, (T.119, R.41, S.4; T.120, R.41, S.21, 28, 33): 1B, 2A, 3B;
- (~~24~~) (27) County Ditch No. 1, Echo, (T.113, R.38, S.8, 9): 7;
- (~~25~~) (28) County Ditch No. 4, Arco, (T.110, R.44, S.5; T.111, R.44, S.32, 33): 7;
- (~~26~~) (29) County Ditch No. 4, Norwood, (T.115, R.25, S.30; T.115, R.26, S.13, 14, 24, 25): 7;

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- ~~(27)~~ (30) County Ditch No. 5, Marietta, (T.117, R.45, S.6, 7, 18; T.117, R.46, S.1; T.118, R.46, S.23, 25, 26, 36): 7;
- ~~(28)~~ (31) County Ditch No. 6 (Judicial Ditch No. 11), Janesville, (T.107, R.24, S.4, 8, 9, 17, 18; T.107, R.25, S.13): 7;
- ~~(29)~~ (32) County Ditch No. 7, Lowry, (T.126, R.39, S.25, 26): 7;
- ~~(30)~~ (33) County Ditch No. 12 (County Ditch No. 45), Waseca, (T.107, R.23, S.22, 23): 7;
- ~~(31)~~ (34) County Ditch No. 12 (Rice Creek), Belview, (T.113, R.36, S.7, 8, 18, 19; T.113, R.37, S.15, 21, 22, 23, 24): 7;
- ~~(32)~~ (35) County Ditch No. 14, Tyler, (T.109, R.43, S.18; T.109, R.44, S.2, 3, 11, 13, 14; T.110, R.44, S.33, 34): 7;
- ~~(33)~~ (36) County Ditch No. 22, Montgomery, Green Giant Company, (T.111, R.23, S.4, 9, 10; T.112, R.23, S.33): 7;
- ~~(34)~~ (37) County Ditch No. 27, Madison, (T.117, R.43, S.3, 4, 5, 6; T.117, R.44, S.1; T.118, R.43, S.34; T.118, R.44, S.35, 36): 7;
- ~~(35)~~ (38) County Ditch No. 28, Marietta, (T.118, R.46, S.22, 23, 26): 7;
- ~~(36)~~ (39) County Ditch No. 38, Storden, (T.107, R.37, S.28, 29): 7;
- ~~(37)~~ (40) County Ditch No. 40A, Lafayette, (T.111, R.29, S.8, 14, 15, 16, 17, 23, 24): 7;
- ~~(38)~~ (41) County Ditch No. 42, Winthrop, (T.112, R.29, S.6, 7): 7;
- ~~(39)~~ (42) County Ditch No. 44, Bricelyn, Owatonna Canning Company, (T.101, R.25, S.7, 8, 16, 17; T.101, R.26, S.1, 12; T.102, R.26, S.36): 7;
- ~~(40)~~ (43) County Ditch No. 45, Renville, (T.114, R.36, S.5, 6, 7, 18; T.114, R.37, S.13; T.115, R.36, S.7, 18, 19, 29, 30, 32): 7;
- ~~(41)~~ (44) County Ditch No. 46, Willmar, (T.119, R.35, S.19, 20, 29): 7;
- ~~(42)~~ (45) County Ditch No. 51, Le Center, (T.110, R.24, S.5, 6; T.111, R.24, S.31, 32; T.111, R.25, S.26, 35, 36): 7;
- ~~(43)~~ (46) County Ditch No. 54, Montgomery, (T.112, R.23, S.26, 33, 34, 35): 7;
- ~~(47)~~ County Ditch No. 55, see Rush River, North Branch;
- ~~(44)~~ (48) County Ditch No. 60 (Chippewa River), Millerville, Millerville Coop Cry., (T.130, R.39, S.14, 22, 23, 27, 28, 32, 33): 7;
- ~~(45)~~ (49) County Ditch No. 61, Kerhoven, (T.120, R.37, S.21, 22): 7;
- ~~(46)~~ (50) County Ditch No. 63, Hanska, (T.108, R.30, S.11, 12, 14, 17, 18, 19, 20, 21, 22, 23, 27, 28): 7;
- ~~(47)~~ (51) County Ditch No. 66, Bird Island, (T.115, R.34, S.15, 16, 17, 18, 22, 23): 7;
- ~~(48)~~ (52) County Ditch No. 87, Wells, (T.103, R.24, S.6; T.104, R.24, S.31; T.104, R.25, S.36): 7;
- ~~(49)~~ (53) County Ditch No. 104, Sacred Heart, (T.114, R.38, S.1, 2; T.115, R.37, S.7, 18; T.115, R.38, S.13, 24, 25, 35, 36): 7;
- ~~(50)~~ (54) County Ditch No. 109, Morgan, (T.111, R.34, S.4, 5, 8, 17; T.112, R.34, S.22, 23, 27, 28, 33): 7;
- ~~(51)~~ (55) Crow Creek, (T.112, R.35): 2C;
- ~~(52)~~ (56) Dry Creek, (T.108, 109, R.36): 2C;
- ~~(53)~~ (57) Dry Weather Creek, (T.117, 118, R.39, 40, 41): 2C;
- ~~(54)~~ (58) Dry Wood Creek, (T.122, R.42, 43): 2C;
- ~~(59)~~ Eagle Creek, East Branch, (T.115, R.21, S.18): 1B, 2A, 3B;
- ~~(60)~~ Eagle Creek, Main Branch, (T.115, R.21, S.7, 18; T.115, R.22, S.13): 1B, 2A, 3B;
- ~~(55)~~ (61) Echo Creek, (T.114, R.37): 2C;
- ~~(56)~~ (62) Eight Mile Creek, (T.111, 112, 113, R.31): 2C;
- ~~(57)~~ (63) Elm Creek, North Fork, (T.104, R.34): 2C;
- ~~(58)~~ (64) Elm Creek, South Fork, (T.103, R.34): 2C;
- ~~(59)~~ (65) Emily Creek, (T.118, 119, R.43): 2C;
- ~~(60)~~ (66) Fish Creek, (T.123, 124, R.47, 48): 2C;
- ~~(61)~~ (67) Five Mile Creek, (T.120, R.44): 2C;

- ~~(62)~~ (68) Florida Creek, (South Dakota border to mouth): 2C, 3B;
- ~~(63)~~ (69) Foster Creek (excluding Class 7 segment), (T.102, 103, R.24): 2C;
- ~~(64)~~ (70) Foster Creek, Alden, (T.103, R.23, S.31; T.103, R.24, S.25, 36): 7;
- ~~(65)~~ (71) Hassel Creek, (T.122, 123, R.38, 39): 2C;
- ~~(66)~~ (72) Hawk Creek (County Ditch No. 10), Willmar/Pennock, (T.118, R.36, S.2, 3, 8, 10, 15, 16, 17, 18, 19; T.118, R.37, S.5, 6, 7, 8, 9, 14, 15, 16, 18, 19, 23, 24, 30, 31; T.119, R.35, S.19; T.119, R.36, S.24, 25, 26, 35): 7;
- ~~(67)~~ (73) Hazel Run, (T.115, R.39, 40, 41, 42): 2C;
- (74) Hindeman Creek, (T.111, R.32, S.19, 20; T.111, R.33, S.24): 1B, 2A, 3B;
- ~~(68)~~ (75) Iosco Creek, (T.108, R.23): 2C;
- (76) John's Creek, (T.110, R.32, S.1; T.111, R.31, S.31; T.111, R.32, S.36): 1B, 2A, 3B;
- ~~(69)~~ (77) Judicial Ditch No. 1, Delavan, (T.104, R.27, S.23, 25, 26, 36): 7;
- ~~(70)~~ (78) Judicial Ditch No. 1A, Lafayette, (T.111, R.27, S.5, 6, 7; T.111, R.28, S.10, 11, 12, 15, 16, 17, 18, 19; T.111, R.29, S.24): 7;
- ~~(71)~~ (79) Judicial Ditch No. 5, Murdock, (T.120, R.38, S.4, 5, 6, 9, 10, 11; T.120, R.39, S.1, 4, 9, 10, 11, 12): 7;
- ~~(72)~~ (80) Judicial Ditch No. 6, Hanska, (T.107, R.30, S.4; T.108, R.30, S.28, 33): 7;
- ~~(73)~~ (81) Judicial Ditch No. 10, (see Wood Lake Creek);
- (82) Judicial Ditch No. 10, Hanska, (T.108, R.30, S.1; T.109, R.30, S.35, 36): 7;
- ~~(74)~~ (83) Judicial Ditch No. 12, Tyler, (T.109, R.43, S.9, 15, 16, 17, 18): 7;
- ~~(75)~~ (84) Judicial Ditch No. 29, Arco, (T.111, R.44, S.21, 28, 33): 7;
- ~~(76)~~ (85) Judicial Ditch No. 30, Sleepy Eye, Del Monte Corporation, (T.109, R.32, S.4, 5, 6; T.110, R.32, S.31): 7;
- ~~(77)~~ (86) Judicial Ditch No. 49 (Providence Creek), Amboy, (T.105, R.27, S.18, 19; T.105, R.28, S.13): 7;
- (87) Kennaley's Creek, (T.27, R.23, S.18): 1B, 2A, 3B;
- ~~(78)~~ (88) Lac qui Parle River, (Lake Hendricks outlet to Minnesota River): 2C, 3B;
- ~~(79)~~ (89) Lac qui Parle River, West Fork, (South Dakota border to mouth): 2C, 3B;
- (90) Lateral Ditch C of County Ditch No. 55, Gaylord, (T.112, R.28, S.2, 3; T.113, R.28, S.32, 33, 34): 7;
- ~~(80)~~ (91) Lazarus Creek, (South Dakota border to Canby Creek): 2C, 3B;
- ~~(81)~~ (92) Le Sueur River, Little, (T.106, R.22): 2C;
- ~~(82)~~ (93) Lone Tree Creek, Tracy, (T.109, R.39, S.2, 3, 4, 7, 8, 9; T.110, R.38, S.19, 20, 30; T.110, R.39, S.25, 34, 35, 36): 7;
- (94) Long Lake Creek, (T.132, R.41, S.9): 1B, 2A, 3B;
- ~~(83)~~ (95) Middle Creek, (T.113, 114, R.36): 2C;
- ~~(84)~~ (96) Mink Creek, (T.104, R.30, 31): 2C;
- ~~(85)~~ (97) Minneopa Creek, Lake Crystal, (T.108, R.28, S.26, 27, 32, 33, 34): 7;
- ~~(86)~~ (98) Minnesota River, (Big Stone Lake outlet to the Lac qui Parle dam): 1C, 2Bd, 3B;
- ~~(87)~~ (99) \*Minnesota River, [11/5/84R] (Lac qui Parle dam to Granite Falls): 1C, 2Bd, 3B;
- ~~(88)~~ (100) \*Minnesota River, [11/5/84R] (Granite Falls to Redwood County State Aid Highway 11 bridge): 2B, 3B;
- ~~(89)~~ (101) Minnesota River, (River Mile 22 to mouth): 2C, 3B;
- ~~(90)~~ (102) Minnesota River, Little, (South Dakota border crossing to Big Stone Lake): 2C, 3B;
- ~~(91)~~ (103) Morgan Creek, (T.109, R.29, 30): 2C;

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## Proposed Rules

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- ~~(92)~~ (104) Mud Creek, (T.114, R.43, 44, 45): 2C;
- (105) Mud Creek, (T.123, R.36, S.28, 29): 1B, 2A, 3B;
- ~~(93)~~ (106) Mud Creek, DeGraff/Murdock, (T.121, R.37, S.31; T.121, R.38, S.18, 19, 20, 28, 29, 33, 34, 35, 36; T.121, R.39, S.11, 12, 13): 7;
- ~~(94)~~ (107) Muddy Creek (Mud Creek) (County Ditch No. 2) (County Ditch No. 4), Chokio, (T.124, R.42, S.6, 7, 15, 16, 17, 18, 21, 22, 23; T.124, R.43, S.1, 4, 5, 6, 7, 8; T.124, R.44, S.1, 2, 3, 12; T.125, R.43, S.34, 35, 36): 7;
- ~~(95)~~ (108) Palmer Creek, (T.116, 117, 118, R.39): 2C;
- (109) Paul's Creek, (T.110, R.26, S.14, 15): 1B, 2A, 3B;
- ~~(96)~~ (110) Pelican Creek, (T.130, R.41, 42): 2C;
- ~~(97)~~ (111) Pell Creek, Walnut Grove, (T.109, R.38, S.25, 26, 27, 28): 7;
- ~~(98)~~ (112) Perch Creek, (T.104, 105, 106, R.29, 30): 2C;
- (113) Ramsey Creek, (T.112, R.36, S.1; T.113, R.36, S.35, 36): 1B, 2A, 3B;
- (114) Redwood River, (T.110, R.42, S.5, 8, 17; T.111, R.42, S.32): 1B, 2A, 3B;
- ~~(99)~~ (115) Rice Creek, See County Ditch No. 12;
- ~~(100)~~ (116) Rush River, Middle Branch, Winthrop, (T.112, R.27, S.16, 19, 20, 21, 30; T.112, R.28, S.18, 19, 20, 21, 22, 25, 26, 27; T.112, R.29, S.7, 8, 9, 13, 14, 15, 16, 17, 18): 7;
- (117) Rush River, North Branch, (County Ditch No. 55), Gaylord (T.112, R.27, S.7, 8, 17; T.112, R.28, S.1, 2, 12): 7;
- ~~(101)~~ (118) Saint James Creek (excluding Class 7 segment), (T.105, 106, R.31, 32, 33): 2C;
- ~~(102)~~ (119) Saint James Creek, Saint James, (T.106, R.31, S.5, 7, 8, 18; T.107, R.31, S.21, 22, 28, 32, 33): 7;
- (120) Seven Mile Creek, (T.109, R.27, S.2, 3, 4, 10, 11, 12): 1B, 2A, 3B;
- ~~(103)~~ (121) Shakopee Creek, (T.119, 120, R.36, 37, 38, 39, 40): 2C;
- ~~(104)~~ (122) Silver Creek, (T.108, R.23, 24): 2C;
- ~~(105)~~ (123) Smith Creek, (T.113, R.35, 36): 2C;
- ~~(106)~~ (124) South Creek, (T.102, 103, R.28, 29, 30): 2C, 3B;
- ~~(107)~~ (125) Spring Branch Creek, (T.106, R.29, 30): 2C;
- ~~(108)~~ (126) Spring Creek, (T.110, 111, R.32, 33, 34): 2C;
- ~~(109)~~ (127) Spring Creek, (T.117, R.40): 2C;
- ~~(110)~~ (128) Stony Run, (T.121, 122, R.45, 46): 2C;
- ~~(111)~~ (129) Stony Run Creek, (T.116, R.40): 2C;
- ~~(112)~~ (130) Three Mile Creek, (T.112, R.33): 2C;
- ~~(113)~~ (131) Timms Creek, (T.114, 115, R.36): 2C;
- (132) Unnamed #1, (T.27, R.23, S.18; T.27, R.24, S.13): 1B, 2A, 3B;
- (133) Unnamed #4, (T.27, R.24, S.24): 1B, 2A, 3B;
- (134) Unnamed #7, (T.27, R.24, S.26): 1B, 2A, 3B;
- (135) Unnamed Creek, (T.108, R.28, S.1, 2): 1B, 2A, 3B;
- (136) Unnamed Creek, (T.108, R.28, S.5; T.109, R.28, S.32): 1B, 2A, 3B;
- (137) Unnamed Creek, (T.110, R.26, S.10, 11): 1B, 2A, 3B;
- (138) Unnamed Creek, (T.108, R.28, S.6; T.109, R.29, S.25, 36): 1B, 2A, 3B;
- ~~(114)~~ (139) Unnamed Creek, Green Isle, (T.114, R.26, S.2, 3, 4, 8, 9, 17): 7;
- ~~(115)~~ (140) Unnamed Creek, Pennock, (T.118, R.37, S.2, 3, 4, 5; T.119, R.36, S.4, 5, 6, 7, 18, 19; T.119, R.37, S.24, 25, 26, 35): 7;
- ~~(116)~~ (141) Unnamed Creek, Murdock, (T.120, R.38, S.1, 2; T.121, R.38, S.35): 7;
- ~~(117)~~ (142) Unnamed Ditch, Burnsville Freeway Sanitary Landfill, (T.27, R.24, S.28, 33): 7;

- ~~(118)~~ (143) Unnamed Ditch, Bricelyn, Owatonna Canning Company, (T.101, R.25, S.10): 7;
- ~~(119)~~ (144) Unnamed Ditch, Alden, (T.102, R.23, S.4, 5; T.103, R.23, S.31, 32): 7;
- ~~(120)~~ (145) Unnamed Ditch, Truman, (T.104, R.30, S.2, 11; T.105, R.30, S.25, 26, 35): 7;
- ~~(121)~~ (146) Unnamed Ditch (County Ditch No. 47), New Richland, (T.105, R.22, S.17, 18, 19; T.105, R.23, S.24): 7;
- ~~(122)~~ (147) Unnamed Ditch, Lewisville, (T.105, R.30, S.3; T.106, R.30, S.14, 23, 26, 34, 35): 7;
- ~~(123)~~ (148) Unnamed Ditch, Waldorf, (T.106, R.24, S.34): 7;
- ~~(124)~~ (149) Unnamed Ditch (County Ditch No. 45), Waseca, (T.107, R.23, S.14, 23): 7;
- ~~(125)~~ (150) Unnamed Ditch, Jeffers, (T.107, R.36, S.21): 7;
- ~~(126)~~ (151) Unnamed Ditch, Storden, (T.107, R.37, S.19, 30): 7;
- ~~(127)~~ (152) Unnamed Ditch, Eagle Lake, (T.108, R.25, S.18, 19; T.108, R.26, S.13): 7;
- ~~(128)~~ (153) Unnamed Ditch, Walnut Grove, (T.109, R.38, S.28): 7;
- ~~(129)~~ (154) Unnamed Ditch, Tracy, (T.109, R.39, S.18; T.109, R.40, S.13): 7;
- ~~(130)~~ (155) Unnamed Ditch, Wabasso, (T.110, R.36, S.3; T.111, R.36, S.18, 19, 20, 28, 29, 33, 34; T.111, R.37, S.13): 7;
- ~~(131)~~ (156) Unnamed Ditch, Lafayette, (T.111, R.29, S.6, 7, 8; T.111, R.30, S.12): 7;
- ~~(132)~~ (157) Unnamed Ditch, Wabasso, (T.111, R.37, S.13, 24): 7;
- ~~(133)~~ (158) Unnamed Ditch, Montgomery, (T.112, R.23, S.33): 7;
- ~~(134)~~ (159) Unnamed Ditch, Near Fernando, Round Grove Coop Cry., (T.113, R.30, S.5; T.114, R.29, S.19, 20, 30; T.114, R.30, S.25, 26, 27, 28, 29, 32): 7;
- ~~(135)~~ (160) Unnamed Ditch, Green Isle, (T.114, R.26, S.19; T.114, R.27, S.11, 12, 13, 14, 24): 7;
- (161) Unnamed Ditch, New Auburn, (T.114, R.28, S.20): 7;
- ~~(136)~~ (162) Unnamed Ditch, Porter, (T.114, R.44, S.21, 28): 7;
- ~~(137)~~ (163) Unnamed Ditch, Bongards, Bongards Creameries, (T.115, R.25, S.9, 16): 7;
- ~~(138)~~ (164) Unnamed Ditch, Clarkfield, (T.115, R.41, S.16): 7;
- ~~(139)~~ (165) Unnamed Ditch, Clarkfield, (T.115, R.41, S.16, 21): 7;
- ~~(140)~~ (166) Unnamed Ditch, Madison, (T.118, R.44, S.27, 28, 34, 35): 7;
- ~~(141)~~ (167) Unnamed Ditch, Pennock, (T.119, R.36, S.2, 3, 4, 9, 10): 7;
- ~~(142)~~ (168) Unnamed Ditch, DeGraff, (T.121, R.38, S.19, 29, 30): 7;
- ~~(143)~~ (169) Unnamed Ditch, Hancock, (T.122, R.40, S.6; T.122, R.41, S.1, 12; T.123, R.40, S.18, 19, 30, 31; T.123, R.41, S.11, 12): 7;
- ~~(144)~~ (170) Unnamed Ditch, Alberta, (T.124, R.43, S.3, 4): 7;
- ~~(145)~~ (171) Unnamed Ditch, Farwell, Farwell Coop Cry. Assn., (T.126, R.39, S.6): 7;
- ~~(146)~~ (172) Unnamed Ditch, Lowry, (T.126, R.39, S.26, 35): 7;
- ~~(147)~~ (173) Unnamed Ditch, Brandon, (T.129, R.39, S.21, 22): 7;
- ~~(148)~~ (174) Unnamed Ditch, Evansville, (T.129, R.40, S.10, 11): 7;
- ~~(149)~~ (175) Unnamed Dry Run, Near Minneopa, Blue Earth - Nicollet Electric, (T.108, R.27, S.16): 7;
- ~~(150)~~ (176) Unnamed Dry Run, Mankato, Southview Heights Coop Association, (T.108, R.26, S.19, 30; T.108, R.27, S.24): 7;
- ~~(151)~~ (177) Unnamed Stream, Mankato, Midwest Electric Products, (T.109, R.26, S.20, 21, 28): 7;

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## Proposed Rules

- ~~(152)~~ (178) Unnamed Stream, Savage, (T.115, R.21, S.8, 9): 7;
- ~~(153)~~ (179) Unnamed Stream, Dawson, ~~Dawson Mills Soy Isolate~~, (T.117, R.43, S.22): 7;
- ~~(154)~~ (180) Wabasha Creek, (T.112, R.34): 2C;
- ~~(155)~~ (181) Whetstone River, (South Dakota border to mouth): 2C, 3B;
- ~~(156)~~ (182) Old Whetstone River Channel, Ortonville, Big Stone Canning Company, (T.121, R.46, S.16, 21): 7;
- ~~(157)~~ (183) Willow Creek, (T.104, 105, R.31, 32): 2C;
- ~~(158)~~ (184) Wood Lake Creek, (Judicial Ditch No. 10), (T.113, 114, R.38, 39): 2C;
- ~~(159)~~ (185) Yellow Bank River, North Fork, (South Dakota border to mouth): 2C, 3B;
- ~~(160)~~ (186) Yellow Bank River, South Fork, (South Dakota border to mouth): 2C, 3B; and
- ~~(161)~~ (187) Yellow Medicine River, North Fork, (South Dakota border to mouth): 2C, 3B.

### B. Lakes:

- (1) Amber Lake, (T.102, R.30): 1C, 2Bd, 3B;
- (2) Bardwell Lake, (T.102, R.30): 1C, 2Bd, 3B;
- (3) Budd Lake, (T.102, R.30): 1C, 2Bd, 3B;
- (4) Courthouse Lake, (T.115, R.23W, S.9): 1B, 2A, 3B;
- ~~(4)~~ (5) George Lake, (T.102, R.30): 1C, 2Bd, 3B;
- ~~(5)~~ (6) Hall Lake, (T.102, R.30): 1C, 2Bd, 3B;
- ~~(6)~~ (7) Mud Lake, (T.102, R.30): 1C, 2Bd, 3B;
- ~~(7)~~ (8) One Hundred Acre Slough, Saint James, (T.106, R.31, S.7): 7;
- ~~(8)~~ (9) Silver Lake, North, (T.101, R.30): 1C, 2Bd, 3B;
- ~~(9)~~ (10) Sisseton Lake, (T.102, R.30): 1C, 2Bd, 3B;
- ~~(10)~~ (11) Unnamed Marsh, Barry, (T.124, R.47, S.8): 7;
- ~~(11)~~ (12) Unnamed Slough, Kensington, (T.127, R.40, S.34): 7;
- ~~(12)~~ (13) Unnamed Slough, Brandon, (T.129, R.39, S.21, 22): 7;
- ~~(13)~~ (14) Unnamed Swamp, Minnesota Lake, (T.104, R.25, S.3, 4): 7;
- ~~(14)~~ (15) Unnamed Swamp, Storden, (T.107, R.37, S.30): 7;
- ~~(15)~~ (16) Unnamed Swamp, Sunburg, Sunburg Coop Cry., (T.122, R.36, S.30): 7;
- ~~(16)~~ (17) Unnamed Swamp, Lowry, (T.126, R.39, S.35, 36): 7; and
- ~~(17)~~ (18) Wilmert Lake, (T.101, R.30): 1C, 2Bd, 3B.

### C. Fens:

- (1) \*Blackdog Preserve fen, ~~{3/7/88R}~~ (~~Waters within the Blackdog Preserve Scientific and Natural Area, Dakota County, T.27, R.24, S.27, 34): 2B, 3B~~ 63, Dakota [3/7/88R] (T.27, R.24, S.27, 34): 2D;
- (2) \*Fish Hatchery fen, ~~{3/7/88R}~~ (~~T.110, R.26, S.14): 2B, 3B~~ \*Blue Mounds fen, 1, Pope [ / / ] (T.124, R.39, S.14, 15): 2D;
- (3) \*Fort Ridgely fen, 21, Nicollet [3/7/88R] (T.111, R.32, S.6): ~~2B, 3B~~ 2D;
- (4) \*Fort Snelling State Park fen, 25, Dakota [3/7/88R] (T.27, R.23, S.4): ~~2B, 3B~~ 2D;
- (5) \*Lake Johanna fen, 4, Pope [ / / ] (T.123, R.36, S.29): 2D;
- ~~(5)~~ (6) \*Le Sueur fen, 32, Nicollet [3/7/88R] (T.111, R.26, S.16): ~~2B, 3B~~ 2D;
- ~~(6)~~ \*Minnesota Valley fen, ~~{3/7/88R}~~ (~~T.27, R.24, S.27, 34): 2B, 3B;~~
- (7) \*Nicols Meadow fen, 24, Dakota [3/7/88R] (T.27, R.23, S.18): ~~2B, 3B~~ 2D;
- (8) \*Ordway Prairie fen, 35, Pope [3/7/88R] (T.123, R.36, S.30): ~~2B, 3B~~ 2D;
- (9) \*St. Peter fen, ~~{3/7/88R}~~ (~~T.110, R.26, S.11): 2B, 3B~~ \*Ottawa Bluffs fen, 56, Le Sueur [ / / ] (T.110, R.26, S.3): 2D;

- (10) \*Ottawa WMA fen, 7, Le Sueur [3/7/88R] (T.110, R.26, S.11): 2D;
- (11) \*Ottawa WMA fen, 60, Le Sueur, [3/7/88R] (T.110, R.26, S.14): 2D;
- (12) \*Perch Creek WMA fen, 33, Martin [3/7/88R] (T.104, R.30, S.7): 2D;
- (13) \*Savage fen, 22, Scott [3/7/88R] (T.115, R.21, S.17): 2D;
- (+0) (14) \*Savage fen, 66, Scott [3/7/88R] (T.115, R.21, S.16, 17): ~~2B, 3B~~ 2D;
- (15) \*Savage fen, 67, Scott [3/7/88R] (T.115, R.21, S.17): 2D;
- (16) \*Seminary fen, 75, Carver [ / / ] (T.116, R.23, S.35): 2D;
- (+1) (17) \*Sioux Nation WMA NHR fen, 29, Yellow Medicine [3/7/88R] (T.114, R.46, S.17): ~~2B, 3B~~; and 2D;
- (+2) \*Truman fen, [3/7/88R] (T.104, R.30, S.7): ~~2B, 3B~~; (18) \*Swedes Forest fen, 8, Redwood [ / / ] (T.114, R.37, S.19, 20): 2D;
- (19) \*Swedes Forest fen, 9, Redwood [ / / ] (T.114, R.37, S.22, 27): 2D; and
- (20) \*Yellow Medicine fen, 30, Yellow Medicine [ / / ] (T.115, R.46, S.18): 2D.

D. Scientific and Natural Areas: \*Blackdog Preserve, [3/7/88P] Waters within the Blackdog Preserve Scientific and Natural Area, Dakota County (T.27, R.24, S.27, 34): 2B, 3B, except wetlands which are 2D.

Subp. 6. Saint Croix River Basin. The water use for the listed waters in the Saint Croix River Basin are as identified in items A and B, and D.

A. Streams:

- (1) Bang's Brook, (T.41, R.17, S.15, 20, 21, 22, 29): 1B, 2A, 3B;
- (2) Barnes Spring, (T.41, R.18, S.1, 12): 1B, 2A, 3B;
- (+3) (3) Bear Creek, (T.43, R.23, 24): 2C;
- (4) Beaver Creek, (T.35, R.20, S.7, 8, 17; T.35, R.21, S.3, 4, 10, 12, 13, 14, 15; T.36, R.21, S.33, 34): 1B, 2A, 3B;
- (+2) (5) Bergman Brook, (T.42, 43, R.23, 24): 2C;
- (6) Bjork Creek, (T.42, R.16, S.2, 9, 10, 11): 1B, 2A, 3B;
- (7) Brown's Creek, (T.30, R.20, S.12, 13, 18, 19, 20, 21): 1B, 2A, 3B;
- (8) Cons Creek, (T.41, R.17, S.15, 16, 22): 1B, 2A, 3B;
- (9) Crooked Creek, (T.41, R.17, S.6, 7, 18, 19, 20, 29, 30; T.41, R.18, S.11, 12, 13; T.42, R.17, S.31): 1B, 2A, 3B;
- (10) Crooked Creek, West Fork, (T.41, R.18, S.11, 12; T.42, R.18, S.3, 4, 9, 10, 16; T.43, R.18, S.27, 34): 1B, 2A, 3B;
- (11) Crystal Creek, (T.41, R.16, S.9, 10, 15): 1B, 2A, 3B;
- (12) Grindstone River, (T.42, R.21, S.20, 21, 28, 29): 1B, 2A, 3B;
- (+3) (13) Groundhouse River, West Fork, (T.39, 40, R.26): 2C;
- (14) Hay Creek, (T.40, R.18, S.6, 7, 8, 18, 19; T.41, R.18, S.10, 15, 20, 21, 22, 29, 32, 33): 1B, 2A, 3B;
- (+4) (15) Hay Creek, (T.42, 43, 44, R.15, 16): 1B, 2Bd, 3B;
- (16) Hay Creek, Little, (T.40, R.18, S.8, 9): 1B, 2A, 3B;
- (+5) (17) \*Kettle River, [11/5/84R] (From the north Pine County line to the dam at Sandstone): 2B, 3B;
- (+6) (18) \*Kettle River, [11/5/84P] (From the dam at Sandstone to its confluence with the Saint Croix River): 2B, 3B;
- (19) King Creek, (T.47, R.18, S.18, 19; T.47, R.19, S.1, 12, 13): 1B, 2A, 3B;
- (+7) King Creek, (T.47, R.19): 2C;
- (20) Larson Creek, (T.44, R.17, S.4, 5; T.45, R.17, S.29, 32): 1B, 2A, 3B;

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## Proposed Rules

- (21) Lawrence Creek, (T.33, R.19, S.2, 3, 10): 1B, 2A, 3B;
- (22) Lost Creek, (T.40, R.19, S.9, 10, 15): 1B, 2A, 3B;
- (23) McCullen Creek, (T.42, R.16, S.28, 33): 1B, 2A, 3B;
- (24) Mission Creek, (T.40, R.21, S.1, 2; T.41, R.20, S.31; T.41, R.21, S.36): 1B, 2A, 3B;
- (8) (25) Mission Creek (excluding trout waters), (T.39, 40, 41, R.20, 21): 1B, 2Bd, 3B;
- (26) Moosehorn River, (T.48, R.18, S.3, 9, 10, 14, 15, 16, 23, 26, 34, 35): 1B, 2A, 3B;
- (27) Old Mill Stream, (T.31, R.19, S.6; T.31, R.20, S.1; T.32, R.20, S.36): 1B, 2A, 3B;
- (28) Pelkey Creek, (T.41, R.20, S.33, 34, 35): 1B, 2A, 3B;
- (9) (29) Rock Creek, (T.37, 38, R.20, 21): 1B, 2Bd, 3B;
- (40) (30) Rush Creek, (T.37, R.20, 21): 1B, 2Bd, 3B;
- (41) (31) \*Saint Croix River, [11/5/84R] (Wisconsin border crossing to Taylors Falls): 1B, 2Bd, 3B;
- (42) (32) \*Saint Croix River, [11/5/84R] (Taylors Falls to mouth): 1C, 2Bd, 3B;
- (33) Sand River, (T.43, R.18, S.4, 5, 7, 8, 18, 19, 24; T.44, R.18, S.33, 34): 1B, 2A, 3B;
- (34) Spring Brook, (T.41, R.20, S.16, 17, 18, 21): 1B, 2A, 3B;
- (43) (35) Sunrise River, West Branch, (T.34, R.21, 22): 1B, 2Bd, 3B;
- (44) (36) Tamarack River, Lower, (Hay Creek to mouth): 1B, 2Bd, 3B;
- (45) (37) Tamarack River, Upper (Spruce River), (T.42, R.15, 16): 1B, 2Bd, 3B;
- (46) (38) Unnamed Ditch, Chisago City, (T.34, R.20, S.19, 29, 30, 31, 32): 7;
- (47) (39) Unnamed Ditch, Almelund, Almelund Coop Cry., (T.35, R.20, S.25): 7;
- (48) (40) Unnamed Ditch, Moose Lake, (T.46, R.19, S.30): 7;
- (49) (41) Unnamed Dry Run, Wahkon, (T.41, R.25, S.3; T.42, R.25, S.29, 32, 33, 34): 7;
- (42) Unnamed Stream (Falls Creek), (T.32, R.19, S.6, 7; T.32, R.20, S.1, 12): 1B, 2A, 3B;
- (43) Unnamed Stream (Gilbertson), (T.32, R.19, S.19): 1B, 2A, 3B;
- (20) (44) Unnamed Stream, Shafer, (T.34, R.19, S.32, 33, 34): 7; and
- (21) \*Kettle River, [11/5/84P] (Waters within the Kettle River Scientific and Natural Area, Pine County, T.41, R.20): 2B, 3B;
- (45) Unnamed Stream (Willow Brook), (T.31, R.19, S.19): 1B, 2A, 3B;
- (46) Valley Creek, (T.28, R.20, S.9, 10, 14, 15, 16, 17): 1B, 2A, 3B;
- (47) Wilbur Brook, (T.41, R.17, S.29, 30; T.41, R.18, S.23, 25, 26): 1B, 2A, 3B; and
- (48) Wolf Creek, (T.42, R.18, S.4, 9, 16; T.43, R.18, S.32, 33): 1B, 2A, 3B.

### B. Lakes:

- (1) \*Grindstone Lake, [3/7/88R] (T.42, R.21): 1B, 2A, 3B; and
- (2) Unnamed Swamp, Shafer, (T.34, R.19, S.31, 32): 7; and
- (3) \*Boot Lake, [11/5/84P] (Waters within the Boot Lake Scientific and Natural Area, Anoka County, T.33, R.22): 2B,

3B.

### C. Fens: None currently listed.

### D. Scientific and Natural Areas:

- (1) \*Boot Lake, [11/5/84P] (Waters within the Boot Lake Scientific and Natural Area, Anoka County, T.33, R.22): 2B, 3B, except wetlands which are 2D;
- (2) \*Falls Creek, [ / / ] (trout designated waters within Washington County), (T.32, R.19, S.7; T.32, R.20, S.12): 1B, 2A, 3B;
- (3) \*Falls Creek, [ / / ] (Waters within the Falls Creek Scientific and Natural Area, Washington County, T.32, R.19, S.7; T.32, R.20, S.12): 2B, 3B, except wetlands which are 2D; and

(4) \*Kettle River, [11/5/84P] Waters within the Kettle River Scientific and Natural Area, Pine County, (T.41, R.20): 2B, 3B.

Subp. 7. **Lower Mississippi River Basin.** The water use classifications for the listed waters in the Lower Mississippi River Basin are as identified in items A, B, and C:

A. Streams:

- (1) Ahrensfeld Creek, (T.105, R.8, S.8, 9, 16, 17, 19, 20): 1B, 2A, 3B;
- (2) Albany Creek, West, (T.110, 111, R.12, 13): 2C;
- (3) Badger Creek, (T.103, R.6, S.16, 21, 22, 27, 28, 34): 1B, 2A, 3B;
- (4) Bear Creek, (T.107, R.9, S.13, 14, 15, 16, 22): 1B, 2A, 3B;
- ~~(2)~~ (5) Bear Creek, North, Spring Grove (T.101, R.7, S.26, 27, 35): 7;
- (6) Bear Creek (excluding trout waters), (T.107, R.9): 2C;
- (7) Beaver Creek, (T.102, R.6, S.5, 18, 19, 29, 30; T.103, R.6, S.31, 32): 1B, 2A, 3B;
- (8) Beaver Creek, East, (T.102, R.6, S.5, 6, 8, 17): 1B, 2A, 3B;
- (9) Beaver Creek, West, (T.102, R.6, S.5, 6, 7, 18, 19, 30; T.102, R.7, S.12, 13, 24, 25, 26): 1B, 2A, 3B;
- (10) Beaver Creek, (T.108, R.10, S.15, 16, 19, 20, 21; T.108, R.11, S.24): 1B, 2A, 3B;
- (11) Bee Creek, (T.101, R.6, S.29, 32, 33): 1B, 2A, 3B;
- (12) Big Springs Creek, (T.104, R.9, S.21, 22, 26, 27): 1B, 2A, 3B;
- (13) Borson Spring, (T.105, R.8, R.29, 32, 33): 1B, 2A, 3B;
- ~~(3)~~ (14) Brush Valley Creek (excluding trout waters), (T.104, R.5): 2C;
- (15) Brush Valley Creek, (T.104, R.5, S.23, 24, 26): 1B, 2A, 3B;
- (16) Bullard Creek, (T.112, R.14, S.1, 2, 3, 10; T.113, R.14, S.36): 1B, 2A, 3B;
- (17) Burns Valley Creek, East Branch, (T.106, R.7, S.3, 10, 15): 1B, 2A, 3B;
- (18) Burns Valley Creek, West Branch, (T.106, R.7, S.3, 4; T.107, R.7, S.34): 1B, 2A, 3B;
- (19) Burns Valley Creek, Main Branch, (T.106, R.7, S.2; T.107, R.7, S.35): 1B, 2A, 3B;
- (20) Butterfield Creek, (T.103, R.4, S.6, 7, 8, 18): 1B, 2A, 3B;
- (21) Camp Creek, (T.101, R.10, S.5, 8, 9; T.102, R.10, S.5, 8, 16, 17, 20, 29, 32): 1B, 2A, 3B;
- (22) Camp Hayward Creek, (T.104, R.8, S.31, 32): 1B, 2A, 3B;
- (23) Campbell Creek, (T.104, R.6, S.5, 7, 8, 18): 1B, 2A, 3B;
- (24) Campbell Creek, (T.105, R.6, S.21, 28, 29, 32): 1B, 2A, 3B;
- (4) (25) \*Cannon River, [11/5/84R] (From the northern city limits of Faribault to its confluence with the Mississippi River):  
2B, 3B;
- (26) Cannon River, Little, (T.110, R.18, S.1, 10, 11, 12, 15; T.111, R.18, S.13, 24, 25, 36): 1B, 2A, 3B;
- ~~(5)~~ (27) Carters Creek, Wykoff, (T.103, R.12, S.4, 9, 15, 16, 22): 7;
- (28) Cedar Valley Creek, (T.105, R.6, S.6; T.106, R.6, S.1, 11, 12, 14, 15, 21, 22, 28, 29, 31, 32; T.107, R.6, S.1):  
1B, 2A, 3B;
- ~~(6)~~ (29) Chub Creek, North Branch, (T.112, 113, R.19): 2C;
- ~~(7)~~ (30) Cold Creek (Cold Spring Brook) (excluding trout waters), (T.110, 111, R.14): 2C;
- (31) Cold Spring Brook, (T.110, R.13, S.30, 31; T.110, R.14, S.25, 36): 1B, 2A, 3B;
- (32) Coolridge Creek, (T.105, R.9, S.23, 26): 1B, 2A, 3B;

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## Proposed Rules

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- (33) Corey Creek, (T.105, R.6, S.18, 19; T.105, R.7, S.24, 25, 26, 27, 34): 1B, 2A, 3B;
- (8) (34) County Ditch No. 15, Kilkenny, (T.110, R.23, S.22, 23): 7;
- (9) (35) Crane Creek, (T.107, 108, R.20, 21, 22): 2C;
- (36) Crooked Creek, Main Branch, (T.102, R.4, S.18, 19, 20, 28, 29, 30; T.102, R.5, S.25, 26, 36): 1B, 2A, 3B;
- (37) Crooked Creek, North Fork, (T.102, R.5, S.17, 20, 21, 22, 23, 26): 1B, 2A, 3B;
- (38) Crooked Creek, South Fork, (T.102, R.5, S.26, 27, 28): 1B, 2A, 3B;
- (39) Crystal Creek, (T.102, R.11, S.35, 36): 1B, 2A, 3B;
- (40) Crystal Creek, (T.103, R.5, S.6, 7, 18, 19; T.103, R.6, S.1, 12): 1B, 2A, 3B;
- (40) (41) Dakota Creek (excluding trout waters), (T.105, R.5): 2C;
- (42) Dakota Creek, (T.105, R.4, S.7; T.105, R.5, S.1, 2, 3, 11, 12): 1B, 2A, 3B;
- (43) Daley Creek, (T.103, R.7, S.4, 5, 8; T.104, R.7, S.33): 1B, 2A, 3B;
- (44) Diamond Creek, (T.103, R.8, S.18, 19; T.103, R.9, S.11, 13, 14, 24): 1B, 2A, 3B;
- (44) (45) Dry Creek, (T.108, R.12, 13): 2C;
- (46) Dry Run Creek, (T.108, R.14, S.4; T.109, R.14, S.33): 1B, 2A, 3B;
- (47) Duschee Creek, (T.102, R.10, S.1; T.103, R.10, S.23, 24, 25, 26, 36): 1B, 2A, 3B;
- (42) (48) Dutch Creek, (T.112, R.20, 21): 2C;
- (49) Eitzen Creek, (T.101, R.5, S.22, 23): 1B, 2A, 3B;
- (50) Etna Creek, (T.102, R.13, S.25, 36): 1B, 2A, 3B;
- (51) Ferguson Creek, (T.105, R.8, S.18; T.105, R.9, S.12, 13): 1B, 2A, 3B;
- (52) Ferndale Creek, (T.104, R.7, S.29, 30, 31): 1B, 2A, 3B;
- (53) Forestville Creek, North Branch, (T.102, R.12, S.13, 14, 15): 1B, 2A, 3B;
- (54) Forestville Creek, South Branch, (T.102, R.12, S.24, 25): 1B, 2A, 3B;
- (55) Frego Creek, (T.101, R.9, S.14, 15, 22, 23): 1B, 2A, 3B;
- (56) Garvin Brook, (T.106, R.8, S.4, 5, 8, 17; T.107, R.8, R.14, 23, 26, 27, 33, 34, 35): 1B, 2A, 3B;
- (57) Gilbert Creek, (T.111, R.13, S.1, 2, 3, 4, 10, 11, 12): 1B, 2A, 3B;
- (43) (58) Gilmore Creek (excluding trout waters), (T.106, R.7, S.6; T.107, R.7, S.20, 29, 30, 31, 32): ~~2C~~ 1B, 2A, 3B;
- (59) Girl Scout Camp Creek, (T.103, R.7, S.29, 30): 1B, 2A, 3B;
- (60) Gorman Creek, (T.109, R.11, S.1; T.110, R.10, S.29, 30, 31; T.110, R.11, S.36): 1B, 2A, 3B;
- (61) Gribben Creek, (T.103, R.9, S.9, 16, 21, 27, 28): 1B, 2A, 3B;
- (62) Hamilton Creek, (T.103, R.13, S.6; T.103, R.14, S.1): 1B, 2A, 3B;
- (63) Hemmingway Creek, (T.105, R.9, S.26, 28, 33, 34, 35): 1B, 2A, 3B;
- (64) Hammond Creek, (T.109, R.13, S.28, 29): 1B, 2A, 3B;
- (44) (65) Harkcom Creek, (T.108, R.16): 2C;
- (66) Hay Creek, (T.111, R.15, S.4; T.112, R.14, S.19; T.112, R.15, S.1, 12, 13, 23, 24, 26, 27, 33, 34; T.113, R.15, S.24, 25, 36): 1B, 2A, 3B;
- (45) (67) Homer Creek, (T.106, R.6): 2C;
- (68) Indian Creek, East, (T.109, R.9, S.19; T.109, R.10, S.21, 22, 23, 24, 26, 27, 28, 29, 31, 32; T.109, R.11, S.36): 1B, 2A, 3B;
- (69) Indian Creek, West, (T.109, R.11, S.6, 7, 8, 16, 17, 21): 1B, 2A, 3B;
- (46) (70) Indian Spring Creek (excluding trout waters), (T.103, R.5): 2C;
- (71) Indian Springs Creek (Dexter), (T.103, R.5, S.12, 13, 14, 15, 21, 22, 28): 1B, 2A, 3B;
- (72) Iowa River, Little, (T.101, 102, R.14): 2C;
- (73) Jordan Creek, Little, (T.104, R.12, S.21, 22, 26, 27, 28): 1B, 2A, 3B;

- ~~(47)~~ (74) Judicial Ditch No. 1, Hayfield, (T.105, R.17, S.4, 5; T.106, R.17, S.31, 32; T.106, R.18, S.25, 26, 27, 36): 7;
- (75) Kedron Creek, (T.104, R.13, S.36): 1B, 2A, 3B;
- ~~(48)~~ (76) King Creek, (T.111, R.11, 12): 2C;
- (77) Kinney Creek, (T.105, R.13, S.1, 12, 13; T.106, R.13, S.36): 1B, 2A, 3B;
- (78) Lanesboro Park Pond, (T.103, R.10, S.13): 1B, 2A, 3B;
- (79) LeRoy Trout Pond, (T.101, R.14, S.36): 1B, 2A, 3B;
- (80) Logan Creek, (T.107, R.11, S.3): 1B, 2A, 3B;
- ~~(49)~~ (81) Long Creek (excluding trout waters), (T.108, 109, R.12): 2C;
- (82) Long Creek, (T.109, R.12, S.3, 10, 15, 22, 27, 28): 1B, 2A, 3B;
- (83) Lost Creek, (T.104, R.11, S.18; T.104, R.12, S.9): 1B, 2A, 3B;
- (84) Lynch Creek, (T.104, R.11, S.2, 11, 14): 1B, 2A, 3B;
- ~~(20)~~ (85) MacKenzie Creek, (T.108, 109, R.21): 2C;
- ~~(24)~~ (86) Mahoney Creek, (T.103, R.10): 2C;
- (87) Mahoods Creek, (T.103, R.12, S.20): 1B, 2A, 3B;
- (88) Maple Creek, (T.102, R.8, S.3, 4; T.103, R.8, S.27, 28, 33, 34): 1B, 2A, 3B;
- (89) Mazeppa Creek, (T.109, R.14, S.4, 5, 9; T.110, R.14, S.19, 29, 30, 32; T.110, R.15, S.24, 25): 1B, 2A, 3B;
- (90) Middle Creek, (T.109, R.11, S.18; T.109, R.12, S.2, 3, 11, 13, 14): 1B, 2A, 3B;
- (91) Mill Creek, (T.104, R.11, S.5, 6; T.105, R.11, S.31; T.105, R.12, S.14, 23, 25, 26, 36): 1B, 2A, 3B;
- (92) Miller Creek, (T.111, R.12, S.7, 8, 9, 18; T.111, R.13, S.13, 24): 1B, 2A, 3B;
- (93) Money Creek, (T.105, R.7, S.3, 4, 6, 7, 8, 9, 16, 17): 1B, 2A, 3B;
- ~~(22)~~ (94) Mound Prairie Creek, (T.104, R.5): 2C;
- ~~(23)~~ (95) Mud Creek, (T.108, 109, R.20, 21): 2C;
- (96) Nepstad Creek, (T.102, R.8, S.4, 5, 7, 8, 9; T.102, R.9, S.1, 2, 12): 1B, 2A, 3B;
- (97) Newburg Creek (M-9-10-10-1), (T.101, R.8, S.5, 8): 1B, 2A, 3B;
- (98) New York Hollow Creek, (T.101, R.5, S.25, 26): 1B, 2A, 3B;
- (99) Partridge Creek, (T.101, R.10, S.4; T.102, R.10, S.33): 1B, 2A, 3B;
- (100) Peterson Creek, (T.106, R.8, S.7, 8): 1B, 2A, 3B;
- (101) Pickwick Creek, (T.106, R.5, S.7, 18; T.106, R.6, S.13, 23, 24, 26, 34, 35): 1B, 2A, 3B;
- (102) Pickwick Creek, Little, (T.106, R.5, S.18, 19, 29, 30, 32; T.106, R.6, S.13): 1B, 2A, 3B;
- (103) Pine Creek (excluding Class 7 segment), (T.101, R.10): 2C, 3B;
- (104) Pine Creek, (T.105, R.5, S.18, 19, 20, 29, 30, 31, 32; T.105, R.6, S.13, 36): 1B, 2A, 3B;
- (105) Pine Creek, Harmony, (T.101, R.9, S.31; T.101, R.10, S.24, 25, 36): 7;
- (106) Pine Creek, South Fork, (T.105, R.5, S.19; T.105, R.6, S.24): 1B, 2A, 3B;
- (107) Pine Creek, (T.104, R.9, S.2, 3, 4; T.105, R.9, S.25, 26, 33, 34, 35; T.105, R.8, S.30, 31, 32, 33): 1B, 2A, 3B;
- ~~(24)~~ (108) Pine Creek (excluding trout waters), (T.112, 113, R.17, 18): 2C;
- (109) Pine Creek, (T.112, R.17, S.5, 6, 8, 9; T.113, R.17, S.31; T.113, R.18, S.25, 26, 35, 36): 1B, 2A, 3B;
- ~~(25)~~ (110) Pleasant Valley Creek (excluding trout waters), (T.106, 107, R.6, 7): 2C;
- (111) Pleasant Valley Creek, (T.106, R.6, S.7, 18, 19; T.106, R.7, S.1, 12, 13, 24, 25): 1B, 2A, 3B;

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## Proposed Rules

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- ~~(26)~~ (112) Plum Creek, (T.108, R.15): 2C;
- ~~(27)~~ (113) Prairie Creek, (T.110, 111, 112, R.18, 19, 20): 2C;
- (114) Rice Creek, (T.103, R.11, S.3, 5, 7, 8, 9; T.104, R.11, S.14, 23, 33): 1B, 2A, 3B;
- (115) Riceford Creek, (T.101, R.7, S.6, 7, 18, 19; T.101, R.8, S.1, 12, 13, 24; T.102, R.7, S.29, 30, 31, 32): 1B, 2A, 3B;
- ~~(28)~~ (116) Riceford Creek, Mabel, (T.101, R.8, S.24, 25, 26): 7;
- (117) Rollingstone Creek, (T.107, R.8, S.2, 3, 4, 5, 6, 7, 9, 10, 11; T.107, R.9, S.12, 13): 1B, 2A, 3B;
- (118) Rollingstone Creek, Middle Branch, (T.107, R.8, S.9, 16): 1B, 2A, 3B;
- (119) Root River, South Branch, (T.102, R.10, S.5, 6; T.102, R.11, S.1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 18; T.102, R.12, S.13, 21, 22, 23, 24, 26, 27; T.103, R.9, S.7, 18; T.103, R.10, S.13, 14, 15, 16, 21, 22, 23, 24, 28, 29, 32, 33; T.103, R.11, S.36): 1B, 2A, 3B;
- (120) Root River, South Fork, (T.102, R.8, S.2, 3, 4, 8, 9, 10, 11, 17, 18, 19; T.102, R.9, S.24, 25, 26): 1B, 2A, 3B;
- (121) Rose Valley Creek, (T.105, R.5, S.22, 27, 34, 35): 1B, 2A, 3B;
- (122) Rupprecht Creek, (T.107, R.9, S.13, 24, 25, 26, 35): 1B, 2A, 3B;
- ~~(29)~~ (123) Rush Creek, (T.104, R.8, S.2, 3, 4, 10, 11, 13, 14; T.105, R.8, S.6, 7, 18, 19, 20, 29, 32, 33; T.105, R.9, S.1, 2, 12; T.106, R.9, S.26, 34, 35, 36): 1B, 2A, 3B;
- (124) Salem Creek, (T.106, R.15, 16): 2C;
- (125) Schueler Creek, (T.104, R.8, S.1, 2, 3): 1B, 2A, 3B;
- (126) Second Creek, (T.111, R.12, S.15): 1B, 2A, 3B;
- (127) Shady Creek, (T.104, R.11, S.19, 30): 1B, 2A, 3B;
- ~~(30)~~ (128) Shingle Creek, (T.109, 110, R.17): 2C;
- ~~(31)~~ (129) Silver Creek (excluding trout waters), (T.104, 105, R.6): 2C;
- (130) Silver Creek, (T.104, R.6, S.1, 2, 11, 12, 14; T.105, R.6, S.34, 35): 1B, 2A, 3B;
- ~~(32)~~ (131) Silver Spring Creek, (T.108, 109, R.13): 2C;
- ~~(33)~~ (132) Snake Creek (excluding trout waters), (T.109, R.10): 2C;
- (133) Snake Creek, (T.109, R.10, S.10, 11, 14, 15, 16): 1B, 2A, 3B;
- (134) Speltz Creek, (T.107, R.8, S.5, 6; T.108, R.8, S.31; T.108, R.9, S.36): 1B, 2A, 3B;
- (135) Spring Brook, (T.111, R.20, S.2, 3, 4): 1B, 2A, 3B;
- (136) Spring Creek, (T.110, R.12, S.7, 17, 18, 20, 21, 27, 28, 29): 1B, 2A, 3B;
- (137) Spring Creek, (T.112, R.15, S.5, 6, 7, 18; T.113, R.15, S.29, 31, 32, 33, 34): 1B, 2A, 3B;
- (138) Spring Valley Creek, (T.103, R.12, S.8, 17, 18, 19, 20, 30; T.103, R.13, S.23, 24, 25, 26, 27, 28, 29, 32, 33, 34): 1B, 2A, 3B;
- (139) Stockton Valley Creek, (T.106, R.8, S.2, 3, 10, 11, 14, 23; T.107, R.8, S.34): 1B, 2A, 3B;
- (140) Storer Creek, (T.104, R.5, S.17, 18, 19, 30): 1B, 2A, 3B;
- ~~(34)~~ (141) Sugar Creek (Sugarloaf Creek), (T.111, 112, R.12, 13): 2C;
- ~~(35)~~ (142) Sullivan Creek (excluding trout waters), (T.103, R.5): 2C;
- (143) Sullivan Creek, (T.103, R.5, S.12, 13, 14, 23, 24, 25, 26): 1B, 2A, 3B;
- (144) Swede Bottom Creek, (T.103, R.6, S.10): 1B, 2A, 3B;
- (145) Thompson Creek, (T.103, R.4, S.5, 6, 7; T.103, R.5, S.12; T.104, R.4, S.32): 1B, 2A, 3B;
- (146) Torkelson Creek, (T.104, R.10, S.25, 36): 1B, 2A, 3B;
- (147) Trout Brook, (T.110, R.11, S.5, 8): 1B, 2A, 3B;
- (148) Trout Brook, (T.112, R.17, S.1; T.113, R.17, S.26, 27, 35, 36): 1B, 2A, 3B;
- (149) Trout Brook (Hay Creek Tributary), (T.113, R.15, S.35, 36): 1B, 2A, 3B;
- ~~(36)~~ (150) Trout Brook (Mazepa Creek), Goodhue, (T.110, R.15, S.3, 4; T.111, R.15, S.28, 33, 34): 7;

- ~~(37)~~ (151) Trout Creek, Little, (T.106, R.5, 6): 2C;
- (152) Trout Run Creek, (T.104, R.10, S.4, 5, 8, 9, 16, 17, 20, 21; T.105, R.10, S.18, 19, 30, 31, 32): 1B, 2A, 3B;
- ~~(38)~~ (153) Trout Run Creek (Trout Creek) (excluding trout waters), (~~T.104~~, T.105, R.10): 2C;
- (154) Trout Run-Whitewater Park, (T.107, R.10, S.29): 1B, 2A, 3B;
- (155) Trout Valley Creek, (T.108, R.9, S.5, 8, 17, 20; T.109, R.9, S.31): 1B, 2A, 3B;
- (156) Unnamed Creek, (T.101, R.4, S.21): 1B, 2A, 3B;
- (157) Unnamed Creek, Spring Grove, (T.101, R.7, S.14, 22, 23, 27): 7;
- (158) Unnamed Creek, (T.102, R.4, S.18, 19, 20, 29, 30): 1B, 2A, 3B;
- (159) Unnamed Creek, (T.103, R.7, S.31): 1B, 2A, 3B;
- ~~(39)~~ (160) Unnamed Creek, Canton, (T.101, R.9, S.20): 7;
- ~~(40)~~ (161) Unnamed Creek, Byron, (T.107, R.15, S.17, 20, 29): 7;
- (162) Unnamed Creek (Helbig), (T.110, R.11, S.28, 33): 1B, 2A, 3B;
- (163) Unnamed Creek (M-9-10-5-3), (T.101, R.7, S.6; T.101, R.8, S.1, 2): 1B, 2A, 3B;
- (164) Unnamed Creek (Whitewater Tributary), (T.108, R.10, S.35, 36): 1B, 2A, 3B;
- (165) Unnamed Creek, (T.105, R.7, S.19, 29, 30; T.105, R.8, S.24): 1B, 2A, 3B;
- (166) Unnamed Creek (Miller Valley), (T.106, R.5, S.21, 22, 27, 28): 1B, 2A, 3B;
- (167) Unnamed Creek (Richmond), (T.106, R.5, S.17, 20, 21): 1B, 2A, 3B;
- (168) Unnamed Creek (Deering Valley), (T.108, R.8, S.20, 28, 29): 1B, 2A, 3B;
- (169) Unnamed Creek (M-9-10-5-4), (T.101, R.8, S.12, 13): 1B, 2A, 3B;
- (170) Unnamed Creek (M-9-10-10-5), (T.102, R.8, S.32, 33): 1B, 2A, 3B;
- (171) Unnamed Creek (M-9-10-6), (T.103, R.8, S.36): 1B, 2A, 3B;
- (172) Unnamed Creek (T.104, R.8, S.19, 30): 1B, 2A, 3B;
- ~~(41)~~ (173) Unnamed Creek, Plainview, (T.108, R.11, S.16, 17, 20, 21, 22, 27, 34): 7;
- ~~(42)~~ (174) Unnamed Creek, West Concord, (T.108, R.17, S.17, 20, 21): 7;
- ~~(43)~~ (175) Unnamed Creek, Hayfield, (T.105, R.17, S.3, 4): 7;
- ~~(44)~~ (176) Unnamed Ditch, Claremont, (T.107, R.18, S.27, 34): 7;
- ~~(45)~~ (177) Unnamed Ditch, Lonsdale, (T.112, R.22, S.25, 35, 36): 7;
- ~~(46)~~ (178) Unnamed Ditch, Hampton, (T.113, R.18, S.5, 6; T.114, R.18, S.31): 7;
- ~~(47)~~ (179) Unnamed Dry Run, Altura, (T.107, R.9, S.7, 18): 7;
- ~~(48)~~ (180) Unnamed Dry Run, Owatonna, Owatonna Canning Company, (T.107, R.20, S.6; T.107, R.21, S.1): 7;
- ~~(49)~~ (181) Unnamed Dry Run, Owatonna, Owatonna Canning Company, (T.107, R.20, S.6; T.107, R.21, S.1): 7;
- ~~(50)~~ (182) Unnamed Stream, Dodge Center, Owatonna Canning Company, (T.107, R.17, S.27, 34): 7; and
- (183) Vermillion River, (T.113, R.20, S.1, 2, 3, 4, 9; T.114, R.19, S.31; T.114, R.20, S.33, 34, 35, 36): 1B, 2A, 3B;
- (184) Vesta Creek, (T.102, R.8, S.10, 11, 14, 15, 23): 1B, 2A, 3B;
- (185) Wapsipinicon River, (T.101, R.15): 2C, 3B;
- (186) Waterloo Creek, (T.101, R.6, 7): 1B, 2Bd, 3B;
- (187) Watson Creek, (T.103, R.10, S.19, 20, 21, 29, 30; T.103, R.11, S.22, 23, 24, 25, 26, 27, 28, 29, 30): 1B, 2A,

3B;

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## Proposed Rules

(188) West Albany Creek, (T.110, R.12, S.28, 29, 30; T.110, R.13, S.23, 24, 25, 26): 1B, 2A, 3B;

(189) Whitewater River, Main Branch, (T.107, R.10, S.2, 3, 9, 10; T.108, R.10, S.1, 2, 10, 11, 14, 15, 22, 23, 26, 27, 35): 1B, 2A, 3B;

(190) Whitewater River, South Branch, (T.106, R.9, S.6; T.106, R.10, S.1; T.107, R.9, S.31; T.107, R.10, S.3, 10, 11, 13, 14, 24, 25, 36): 1B, 2A, 3B;

(191) Whitewater River, Middle Branch, (T.106, R.11, S.2, 3, 10; T.107, R.10, S.9, 10, 16, 17, 19, 20, 30; T.107, R.11, S.24, 25, 26, 35): 1B, 2A, 3B;

(192) Whitewater River, North Branch (Winona and Wabasha), (T.107, R.10, S.5, 6, 7, 8, 9; T.107, R.11, S.1, 2, 3; T.108, R.11, S.30, 31, 32, 33, 34): 1B, 2A, 3B;

~~(193)~~ Whitewater River, North Fork, Elgin, (T.108, R.12, S.25, 26, 27): 7;

(194) Wildcat Creek (excluding trout waters), (T.103, R.4): 2C;

(195) Wildcat Creek, (T.103, R.4, S.26, 27, 28, 29, 32, 33, 34, 35): 1B, 2A, 3B;

(196) Willow Creek, (T.101, R.11, S.1, 12; T.102, R.11, S.1, 12, 13, 24, 25, 36): 1B, 2A, 3B;

(197) Winnebago Creek, (T.101, R.4, S.28, 29, 30; T.101, R.5, S.7, 8, 14, 15, 16, 17, 22, 23, 24, 25; T.101, R.6, S.12): 1B, 2A, 3B; and

(198) Wisel Creek, (T.101, R.8, S.5, 6, 8; T.102, R.8, S.19, 20, 29, 30, 31, 32): 1B, 2A, 3B.

### B. Lakes:

(1) Unnamed Marsh, Kilkenny, (T.110, R.23, S.22, 23): 7; and

(2) Unnamed Swamp, Hampton, (T.113, R.18, S.8): 7.

### C. Fens:

(1) \*Cannon River Wilderness Area fen, 18, Rice [3/7/88R] (T.111, R.20, S.34): ~~2B, 3B~~ 2D;

~~(2) \*Kennedy fen, [3/7/88R] (T.105, R.7, S.15): 2B, 3B;~~

~~(3) \*Rock Dell fen, [3/7/88R] (T.105, R.15, S.16): 2B, 3B; and~~

(2) \*Cannon River Wilderness Area fen, 73, Rice [ / / ] (T.111, R.20, S.22): 2D;

(3) \*High Forest fen, 12, Olmsted [ / / ] (T.105, R.14, S.14, 15): 2D;

(4) \*Holden I West fen, 3, Goodhue [ / / ] (T.110, R.18, S.1): 2D;

(5) \*Houston fen, 62, Houston [ / / ] (T.104, R.6, S.26): 2D;

(6) \*Nelson WMA fen, 5, Olmsted [3/7/88R] (T.105, R.15, S.16): 2D;

~~(4) (7) \*Perched Valley WMA Wetlands fen, 2, Goodhue [3/7/88R]~~ (T.112, R.13, S.8): ~~2B, 3B~~ 2D;

(8) \*Red Wing fen, 72, Goodhue [ / / ] (T.113, R.15, S.21): 2D; and

(9) \*Wiscoy fen, 58, Winona [3/7/88R] (T.105, R.7, S.15): 2D.

### D. Scientific and Natural Areas: None currently listed.

Subp. 8. **Cedar-Des Moines Rivers Basin.** The water use classifications for the listed waters in the Cedar-Des Moines Rivers Basin are as identified in items A and B, C, and D.

#### A. Streams:

(1) Bancroft Creek, (T.103, 104, R.21): 2C;

(2) Bear Creek (excluding Class 7 segment), (Source to Iowa border): 2C, 3B;

~~(3) Bear Creek, North Spring Grove, (T.101, R.7, S.26, 27, 35): 7;~~

~~(4) Beaver Creek, (T.101, 102, R.13, 14): 2C, 3B;~~

~~(5) (4) Cedar River, Little, (Source to Iowa border): 2C, 3B;~~

~~(6) (5) Clear Creek, (T.102, R.4): 2C;~~

~~(7) (6) County Ditch No. 11, Sherburne, (T.101, R.32, S.4, 9, 10; T.102, R.32, S.7, 8, 16, 17, 21, 27, 28, 33, 34): 7;~~

~~(8) (7) County Ditch No. 48, Conger, (T.102, R.22, S.19, 20; T.102, R.23, S.24, 25, 26, 35): 7;~~

~~(9) (8) Deer Creek, (T.101, R.19, 20): 2C, 3B;~~

- (~~10~~) (9) Dobbins Creek, (T.103, R.16, 17): 2C;
- (~~11~~) (10) Goose Creek, Twin Lakes, (T.101, R.20, S.31; T.101, R.21, S.16, 17, 18, 21, 22, 26, 27, 35, 36; T.101, R.22, S.12, 13): 7;
- (~~12~~) (11) Heron Lake Outlet, (T.104, 105, R.37): 2C;
- (~~13~~) ~~Iowa River, Little, (T.101, 102, R.14): 2C;~~
- (~~14~~) (12) Jack Creek, Wilmont, (T.104, R.41, S.25, 26, 30, 31, 32, 33, 34, 35, 36): 7;
- (~~15~~) (13) Lime Creek, (T.101, R.22, 23): 2C, 3B;
- (~~16~~) (14) Murphy Creek, (T.103, R.18): 2C;
- (~~17~~) (15) Okabena Creek (excluding Class 7 segment), (T.102, 103, R.37, 38, 40): 2C;
- (~~18~~) (16) Okabena Creek, Worthington, Worthington Lagoons and Allied Mills, (T.102, R.38, S.6, 7; T.102, R.39, S.7, 8, 9, 10, 11, 12, 14, 15, 16, 18; T.102, R.40, S.13): 7;
- (~~19~~) (17) Orchard Creek, (T.102, R.18, 19): 2C;
- (~~20~~) ~~Pine Creek (excluding Class 7 segment), (T.101, R.10): 2C, 3B;~~
- (~~21~~) ~~Pine Creek, Harmony, (T.101, R.9, S.31; T.101, R.10, S.24, 25, 36): 7;~~
- (~~22~~) (18) Roberts Creek, (T.103, 104, R.16, 17, 18): 2C;
- (~~23~~) (19) Rose Creek, (T.102, 103, R.16, 17, 18): 2C;
- (~~20~~) Scheldorf Creek, (T.106, R.36, S.19, 30, 31; T.106, R.37, S.13, 24, 25): 1B, 2A, 3B;
- (~~24~~) (21) Soldier Creek, (T.101, R.32, 33): 2C, 3B;
- (~~25~~) (22) Turtle Creek, (T.103, R.18, 19, 20): 2C;
- (~~26~~) ~~Unnamed Creek, Spring Grove, (T.101, R.7, S.14, 22, 23, 27): 7;~~
- (~~27~~) (23) Unnamed Creek, Emmons, (T.101, R.22, S.31): 7;
- (~~28~~) (24) Unnamed Creek, Brownsdale, (T.103, R.17, S.4, 9): 7;
- (~~29~~) (25) Unnamed Creek, Blooming Prairie, (T.104, R.18, S.5, 8, 9, 16; T.105, R.18, S.31): 7;
- (~~30~~) (26) Unnamed Creek, Iona, (T.105, R.41, S.3, 4, 9; T.106, R.40, S.19, 29, 30, 32; T.106, R.41, S.24, 25, 26, 34, 35): 7;
- (~~31~~) ~~Wapsipinicon River, (T.101, R.15): 2C, 3B;~~
- (~~32~~) ~~Waterloo Creek, (T.101, R.6, 7): 1B, 2Bd, 3B;~~
- (~~33~~) ~~Wildcat Creek (excluding trout waters), (T.103, R.4): 2C;~~
- (~~34~~) (27) Wolf Creek, (T.103, R.16, 17, 18): 2C; and
- (~~35~~) (28) Woodbury Creek, (T.101, 102, R.18, 19): 2C; and
- (~~29~~) Woodson Creek, (T.102, R.18, S.14, 15): 1B, 2A, 3B.

**B. Lakes: None currently classified.**

**C. Fens:**

- (1) \*Heron Lake fen, 45, Jackson [3/7/88R] (T.103, R.36, S.29): ~~2B, 3B~~ 2D; and
- (2) \*~~Prairie Bush Clover, [3/7/88P] (Waters within the Prairie Bush Clover Scientific and Natural Area, Jackson County, T.103, R.35, S.17): 2B, 3B; and~~
- (~~3~~) \*Thompson Prairie fen, 20, Jackson [3/7/88R] (T.103, R.35, S.7): ~~2B, 3B~~ 2D.

**D. Scientific and Natural Areas: \*Prairie Bush Clover, [3/7/88P] Waters within the Prairie Bush Clover Scientific and Natural Area, Jackson County, (T.103, R.35, S.17): 2B, 3B, except wetlands which are 2D.**

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## Proposed Rules

Subp. 9. **Missouri River Basin.** The water use classifications for the listed waters in the Missouri River Basin are as identified in items A and B C:

A. Streams:

- (1) Ash Creek, (T.101, R.45): 2C;
- (2) Beaver Creek, (T.102, 103, 104, R.45, 46, 47): 2C, 3B;
- (3) Flandreau Creek (excluding Class 7 segment), (T.107, 108, R.46, 47): 2C, 3B;
- (4) Flandreau Creek, Lake Benton, (T.108, R.46, S.1, 2, 11; T.109, R.45, S.30, 31; T.109, R.46, S.36): 7;
- (5) Kanaranzi Creek, (Source to Iowa border): 2C, 3B;
- (6) Medary Creek, (Source to South Dakota border): 2C, 3B;
- (7) Mound Creek, (T.103, 104, R.45): 2C;
- (8) Mud Creek, (T.101, 102, R.45, 46): 2C, 3B;
- (9) Pipestone Creek, (Source to South Dakota border): 2C, 3B;
- (10) Rock River (excluding Class 7 segment), (Source to Iowa border): 2C, 3B;
- (11) Rock River, Holland, (T.107, R.44, S.18, 19, 20, 29; T.107, R.45, S.12, 13): 7;
- (12) Rock River, Little, (Source to Iowa border): 2C, 3B;
- (13) Sioux River, Little, (Source to Iowa border): 2C, 3B;
- (14) Sioux River, West Fork Little, (Source to Iowa border): 2C, 3B;
- (15) Skunk Creek, (T.101, 102, R.37, 38, 39): 2C;
- (16) Split Rock Creek, (Split Rock Lake outlet to South Dakota border): 2C, 3B;
- (17) Unnamed Creek, Jasper, (T.104, R.46, S.6): 7;
- (18) Unnamed Creek, Hatfield, (T.105, R.44, S.6, 7, 8; T.105, R.45, S.1; T.106, R.45, S.36): 7;
- (19) Unnamed Creek, Hatfield, (T.106, R.45, S.34, 35, 36): 7;
- (20) Unnamed Ditch, Steen, (T.101, R.45, S.31, 32): 7;
- (21) Unnamed Ditch, Hills, (T.101, R.46, S.28, 33): 7; and
- (22) Unnamed Ditch, Lake Benton, (T.109, R.45, S.17, 19, 20): 7.

B. Lakes: None currently classified.

C. Fens:

- (1) ~~\*Adrian fen, (T.102, R.43, S.11): 2B, 3B;~~
- (2) ~~\*Burke State Wildlife Management Area WMA fen, 57, Pipestone [11/12/90R] (T.106, R.44, S.28): 2B, 3B; and 2D;~~
- (3) ~~\*Altona State Wildlife Management Area fen, (2) \*Hole-in-the-Mountain Prairie fen, 6, Pipestone [11/12/90R] (T.108, R.46, S.1; T.109, R.45, S.31): 2B, 3B, 2D;~~
- (3) \*Lost Timber Prairie fen, 13, Murray [ / / / ] (T.105, R.43, S.2): 2D; and
- (4) \*Westside fen, 59, Nobles [11/12/90R] (T.102, R.43, S.11): 2D.

D. Scientific and Natural Areas: None currently listed.

**REPEALER.** Minnesota Rules, part 7050.0465, is repealed.

## Department of Human Services

### Proposed Permanent Rules Relating to the Child Care Fund

**Dual Notice: Notice of Intent to Adopt a Rule Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing are Received**

**Introduction.** The Minnesota Department of Human Services intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more

persons submit a written request for a hearing on the rule within 30 days or by August 18, 1993, a public hearing will be held on September 1, 1993. To find out whether the rule will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after August 18, 1993 and before September 1, 1993.

**Agency Contact Person.** Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Jim Schmidt  
Minnesota Department of Human Services  
Rules and Bulletins Division  
444 Lafayette Road  
Saint Paul, Minnesota 55155-3816  
(612) 296-7815  
Fax (612) 296-6244

**Subject of Rule and Statutory Authority.** The proposed rule amends the child care fund rule, *Minnesota Rules*, parts 9564.5000 to 9564.5200. The amendments are necessary to: implement three federal child care programs, Transition Year child care, At-Risk child care, and the Child Care and Development Block Grant; clarify child care entitlements under the AFDC child care program; implement 1990, 1991, and 1992 legislative changes; repeal obsolete requirements and statutory references; provide greater consistency in terms used in the rule by making minor editorial changes; establish standards governing the recovery of overpayments; and clarify payments for certain provider practices instituted since 1989 or not previously addressed in the rule. The proposed amendments affect child care fund applicants and recipients, counties and administrative agencies; and providers who serve recipients under the child care fund.

The statutory authority to adopt the rule is *Minnesota Statutes*, sections 256H.02; 256H.035, subdivision 2; and 256H.055, subdivision 2.

A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

**Copy of the Rule.** A free copy of this rule is available upon request from Nancy Bishop, Department of Human Services, Rules and Bulletins Division, 444 Lafayette Road, St. Paul, MN 55155-3816, (612) 296-7454. A copy of the proposed rule may also be viewed at any of the county welfare or human service agencies in the State of Minnesota.

**Comments.** You have until 4:30 p.m. on August 18, 1993 to submit written comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on August 18, 1993. Your written request for a public hearing must include your name, address and telephone number. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing.

**Modifications.** The proposed rule may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rule as attached and printed in the *State Register* and must be supported by data and views submitted to the agency or presented at the hearing. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of a Hearing.** The hearing scheduled for September 1, 1993 will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rule. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Jim Schmidt at (612) 296-7815 after August 18, 1993, to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit written requests for a public hearing on the rule, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.14 to 14.20. The hearing will be held on September 1, 1993, in Room 10, State Office Building, 100 Constitution Avenue, St. Paul, Minnesota 55155 beginning at 10 a.m. and will continue until all interested

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## Proposed Rules

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persons have been heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the administrative law judge. The administrative law judge assigned to conduct the hearing is Jon L. Lunde. Judge Lunde can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, 100 Washington Avenue South, Minneapolis, Minnesota 55401-2138; telephone (612) 341-7645.

**Hearing Procedure.** If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rule. You may also mail written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the administrative law judge at the hearing. Comments received during this period will be available for review at the Office of Administrative Hearings. You and the agency may respond in writing within five business days after the submission period ends to any new information submitted. All written materials and responses submitted to the administrative law judge must be received at the Office of Administrative Hearing no later than 4:30 p.m. on the due date. No additional evidence may be submitted during the five-day period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.0200 to 1400.1200 and *Minnesota Statutes*, sections 14.14 to 14.20. Questions about procedure may be directed to the administrative law judge.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the agency contact person. This statement describes the need for and reasonableness of each provision of the proposed rule. It also includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing, if one is held. The statement may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

**Small Business Considerations.** Families receiving assistance under the child care fund are a small subset of all families using child care services. Since child care resources are limited, child care fund families must compete with other families for available child care services. During the rule amendment process, the Department sought to update the rule to react to current market practices. It has not attempted to dictate market practices. The Department's ability to influence market practices is extremely limited. More important, since child care fund families must compete with other consumers for child care resources, if the rule sets burdensome requirements on providers those providers will elect to serve other consumers to the detriment of the child care fund program.

The rule clarifies payment responsibility for families relative to a number of existing market practices, e.g., costs of registration and activity fees and purchase of child care services in half-day, full-day, and weekly blocks of time. It does not dictate provider practices. Providers have complete freedom to establish child care fees or other business practices.

Except as provided in *Minnesota Statutes*, section 256H.10, subdivision 5, which permits a county to deny a child care subsidy to an unsafe provider, parents are not otherwise restricted in their choice of child care provider. However, consistent with *Minnesota Statutes*, section 256H.15, the rule limits the maximum rate paid for child care assistance under the child care fund to the maximum rate eligible for federal reimbursement. The maximum rate eligible for federal reimbursement under the JOBS program, Transition Year Child Care Program, and At-Risk Program is the 75th percentile rate (See Title 45 *Code of Federal Regulations* sections 255.4, 256.4, and 257.63). The same standard is used for the Child Care and Development Block Grant Program and state sliding fee program to permit seamless service between programs. Although the rule limits the maximum child care rate paid under the child care fund, a family may select a provider who charges more than the maximum rate eligible for federal reimbursement but the family is responsible for charges above the maximum rate.

The rule establishes a registration requirement for legal nonlicensed caregivers. A legal nonlicensed caregiver is an individual exempt from licensure under *Minnesota Statutes*, section 245A.03, subdivision 2. Legal nonlicensed child care is child care generally provided by a relative or an individual to a single family or school age child care programs operated by local boards of education. From a small business perspective, individuals in the "business" of child care have a family day care or day care center license. Therefore, it is not clear whether the requirements under *Minnesota Statutes*, section 14.115 apply to registration requirements governing legal nonlicensed caregivers.

In the event section 14.115 does apply, the registration requirement is necessary to comply with state and federal requirements. Registration is required under 45 C.F.R. sections 98.45 and 257.41. In order to provide seamless service, it is necessary to carry over common requirements for all programs. Even if the federal programs did not require registration, registration would be necessary for financial accountability, for authorizing payments, and for establishing payment procedures.

Under the registration requirement, the legal nonlicensed caregiver must provide the county with certain information. Registration of legal nonlicensed caregivers is only required when child care payments are made from the child care fund. Legal nonlicensed caregivers are not required to serve child care fund families. If a legal nonlicensed caregiver refuses to register, the family may need to select a different provider.

The Department does not believe that the rule amendments impact small businesses. The agency invites public comment during the comment period and at the public hearing, if a hearing is required. If any person knows of anyone who may be affected as a small business, the person may address this concern during the comment period or at the public hearing, if a hearing is required.

**Expenditure of Public Money by Local Public Bodies.** A fiscal note has been prepared on the proposed rule amendments. The rule amendments will increase county costs \$26,800 in the first year and \$8,200 in the second year. The greatest expense to the county is the cost of staff time to obtain a working knowledge of the rule amendments. A copy of the fiscal note is available from Nancy Bishop at the address and phone number listed above.

**Rules That Set Fees.** *Minnesota Statutes*, section 16A.128, subdivision 1a, does not apply to the child care fund. Child care assistance is a child care grant to an individual and not a payment to the State. Rules that set fees under *Minnesota Statutes*, section 16A.128 are rules that establish fees to recover the expenses incurred by State government in providing a direct service.

**Impact on Agricultural Land.** *Minnesota Statutes*, section 14.11, subdivision 2 requires agencies proposing rules that have a direct and substantial adverse impact on agricultural land to comply with additional statutory requirements. The child care fund rule does not impact agricultural land and, therefore, the additional statutory provisions do not apply.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at 1st Floor, Centennial Office Building, 658 Cedar Street, Saint Paul, Minnesota 55155; telephone (612) 296-5148.

**Adoption Procedure if No Hearing.** If no hearing is required, after the end of the comment period the agency may adopt the rule. The rule and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the Attorney General or be notified of the Attorney General's decision on the rule. If you want to be so notified, or wish to receive a copy of the adopted rule, submit your request to Jim Schmidt at the address listed above.

**Adoption Procedure After the Hearing.** If a hearing is held, after the close of the hearing record, the administrative law judge will issue a report on the proposed rule. You may request to be notified of the date on which the administrative law judge's report will be available, after which date the agency may not take any final action on the rule for a period of five working days. If you want to be notified about the report, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. You may also request notification of the date on which the rule is adopted and filed with the Secretary of State. The agency's notice of adoption must be mailed on the same day that the rule is filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to the agency contact person at any time prior to the filing of the rule with the Secretary of State.

Dated: 10 June 1993

Natalie Haas Steffen  
Commissioner

### Rules as Proposed

#### 9565.5000 PURPOSE AND APPLICABILITY.

[For text of subpart 1, see M.R.]

Subp. 2. **Applicability.** ~~To the extent of available allocations,~~ Parts 9565.5000 to 9565.5200 apply to all county and human service boards providing ~~subsidized~~ child care assistance to eligible families under *Minnesota Statutes*, sections 256H.01 to 256H.19.

#### 9565.5010 DEFINITIONS.

[For text of subpart 1, see M.R.]

Subp. 1a. **ACCESS child care program.** "ACCESS child care program" means the AFDC child care program authorized under Minnesota Statutes, section 256H.05, subdivision 6.

Subp. 1b. **ACCESS participant.** "ACCESS participant" means an individual participating in the ACCESS child care program.

Subp. 2. **Administering agency.** "Administering agency" means a county social services agency or a public or nonprofit agency designated by the county board to administer the child care ~~subsidy program fund~~.

Subp. 3. **Administrative expenses.** "Administrative expenses" means costs associated with the administration of the child care ~~subsidy program fund~~. ~~The costs Administrative expenses include, but are not limited to:~~

A. salaries, wages, and related payroll expenses incurred in the administration of the child care ~~subsidy program fund~~ including direct personnel costs, expenses for general administration and supervision, and expenses for secretarial, clerical, accounting, and other support services;

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## Proposed Rules

[For text of items B to D, see M.R.]

E. other expenses directly attributable to the child care subsidy program fund.

[For text of subp 4, see M.R.]

Subp. 5. **AFDC caretaker.** "AFDC caretaker" means an AFDC recipient described in part 9500.2440, subpart 7, who lives with and provides care to a dependent child has the meaning given caretaker in Minnesota Statutes, section 256.736, subdivision 1a, clause (c).

Subp. 6. [See repealer.]

Subp. 7. [See repealer.]

[For text of subp 8, see M.R.]

Subp. 9. **Applicant.** "Applicant" means all parents, stepparents, legal guardians, or eligible relative caretakers in the family that apply for child care assistance under the child care subsidy program has the meaning given it in Minnesota Statutes, section 256H.01, subdivision 1a.

Subp. 10. **Child.** "Child" means a person 12 years old or younger, or a person 14 years old or younger who is handicapped, as defined has the meaning given it in Minnesota Statutes, section 120.03 256H.01, subdivision 3.

Subp. 11. **Child care.** "Child care" means the care of a child in or out of the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day, by someone other than a parent, stepparent, legal guardian, or eligible relative caretaker, or their spouses.

Subp. 11a. **Child care assistance.** "Child care assistance" means financial assistance for child care that is funded under Minnesota Statutes, sections 256H.01 to 256H.19.

Subp. 11b. **Child care fund.** "Child care fund" means the child care assistance programs under Minnesota Statutes, sections 256H.01 to 256H.19.

Subp. 12. **Child care services.** "Child care services" means child care provided in family day care homes, group day care homes, nursery schools, day nurseries, child day care centers, head start, licensed school age child care programs or extended-day school age programs that meet the standards established by the State Board of Education, or legal nonlicensed child care provided in or out of the child's home has the meaning given it in Minnesota Statutes, section 256H.01, subdivision 2.

Subp. 13. [See repealer.]

[For text of subp 14, see M.R.]

Subp. 15. **County board.** "County board" means the board of county commissioners in each county has the meaning given it in Minnesota Statutes, section 256H.01, subdivision 6.

[For text of subps 16 and 17, see M.R.]

Subp. 18. **Education program.** "Education program" means an education program as that term is defined has the meaning given it in Minnesota Statutes, section 256H.01, subdivision 7.

Subp. 18a. **Eligible relative caretaker.** "Eligible relative caretaker" means a person identified under part 9500.2440, subpart 7, items A to D, who is a caretaker of a dependent child but who is not a member of the assistance unit.

Subp. 19. **Employability development plan or EDP.** "Employability development plan" or "EDP" means a plan developed for an AFDC caretaker by an employment and training service provider or person designated by the county to provide employment and training services. The employability plan EDP defines the AFDC caretaker's employment and training goals and outlines the training, education, and support services the AFDC caretaker needs to achieve those goals. All employability development plans must receive county approval and meet the requirements of the AFDC Employment Special Needs Program under Minnesota Statutes, section 256.736, subdivision 8, or other federal reimbursement programs provided by Public Law Number 100-485, Minnesota Statutes, sections 256H.01 to 256H.19, and parts 9565.5000 to 9565.5200.

[For text of subp 20, see M.R.]

Subp. 21. **Family.** "Family" means family as that term is defined has the meaning given it in Minnesota Statutes, section 256H.01, subdivision 9.

[For text of subp 22, see M.R.]

Subp. 22a. **Full-day basis.** "Full-day basis" means child care provided by a provider for more than five hours per day.

Subp. 23. [See repealer.]

Subp. 24. [See repealer.]

**Subp. 24a. Half-day basis.** “Half-day basis” means child care provided by a provider for between one and five hours per day.

**Subp. 24b. Household status.** “Household status” means the number of individuals residing in the household and the relationship of the individuals to one another.

**Subp. 25. Human services board.** “Human services board” means a board established under has the meaning given it in Minnesota Statutes, section 402.02; Laws of Minnesota 1974, chapter 293; or Laws of Minnesota 1976, chapter 340 256H.01, subdivision 10.

**Subp. 26. Income.** “Income” means income as that term is defined has the meaning given it in Minnesota Statutes, section 256H.01, subdivision 11.

**Subp. 27. In kind service.** “In kind service” means a child care subsidy payment made on behalf of a recipient of an AFDC caretaker by a third party to cover the difference between actual allowable child care costs and the child dependent care disregard deduction under Minnesota Rules, part 9500.2580, for employed AFDC recipients caretakers, or to cover the allowable cost of child care without a disregard dependent care deduction for unemployed AFDC recipients enrolled in an education or training program caretakers participating in education or training programs under Minnesota Statutes, section 256H.05.

[For text of subp 28, see M.R.]

**Subp. 28a. Overpayment.** “Overpayment” means the portion of a child care payment that is greater than the amount for which a recipient is eligible.

**Subp. 29. Provider.** “Provider” means the child care license holder who operates a family day care home, group family day care home, day care center, nursery school, day nursery, a licensed school age child care program or extended-day school age program that meets the standards established by the State Board of Education; or the legal nonlicensed caregiver who is 18 years old or older and functions in or out of the child’s home has the meaning given it in Minnesota Statutes, section 256H.01, subdivision 12.

**Subp. 30. Provider charge rate.** “Provider charge rate” means the amount the child care service provider charges for child care.

**Subp. 31. Recipient.** “Recipient” means a family receiving child care assistance under the child care subsidy program fund.

**Subp. 32. Redetermination.** “Redetermination” means the process by which information is collected periodically by the county and used to determine whether a recipient is eligible for continued assistance under the child care subsidy program fund.

**Subp. 32a. Registration.** “Registration” means the process used by the county to obtain from a legal nonlicensed caregiver the information required under part 9565.5110, subpart 2c.

**Subp. 33.** [See repealer.]

[For text of subp 34, see M.R.]

**Subp. 35. Student.** “Student” means an individual enrolled in an educational program as defined in subpart 18. A student is a full-time student if the student is enrolled in the minimum equivalent of 12 credits or 20 hours of classroom training per week. A student is a part-time student if the student is (1) a non-AFDC student enrolled in a minimum equivalent of six credits or ten hours of classroom training per week up to the minimum equivalent of full-time student status; or (2) an AFDC student who is less than a full-time student but is in compliance with the education or training requirements in his or her employability development plan.

**Subp. 35a. Transition year child care.** “Transition year child care” means the transition child care assistance guaranteed under United States Code, title 42, section 602(g).

**Subp. 35b. Transition year families.** “Transition year families” has the meaning given it in Minnesota Statutes, section 256H.01, subdivision 16.

[For text of subp 36, see M.R.]

**Subp. 37. Weekly basis.** “Weekly basis” means child care provided by a provider for more than 35 hours per week.

**9565.5020 NOTICE OF CHILD CARE FUND ALLOCATIONS BASIC SLIDING FEE PROGRAM ALLOCATION.**

By June 1 of each year, the commissioner shall notify all county and human services boards of their ~~allocations~~ allocation under the child care fund basic sliding fee program.

**9565.5025 GENERAL ELIGIBILITY REQUIREMENTS AND ASSISTANCE STANDARDS FOR ALL APPLICANTS.**

**Subpart 1. Applicant requirements and standards.** In addition to specific eligibility requirements under parts 9565.5030 ~~and~~,

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9565.5060, and 9565.5065, all applicants for a child care subsidy assistance shall be governed by the standards and requirements in subparts 2 1a to 9 11.

**Subp. 1a. Informational release.** The county shall offer an applicant an opportunity to sign an informational release to permit the county to verify whether an applicant qualifies for child care assistance. The county shall indicate the purpose and intended use of the information, whether the individual may refuse or is legally required to supply the information, any known consequences from supplying or refusing to supply the information, and the identity of other agencies or individuals authorized to receive the data.

**Subp. 2. Documentation of eligibility information.** An applicant requesting a child care subsidy assistance must document income eligibility, residence, work, and education or training status. The county shall verify an applicant's eligibility to receive a child care subsidy assistance at the time of the application; when there is a change in household status, family size, employment, income, education or training status; and at each redetermination under part 9565.5150. When contacting third parties to confirm eligibility information, the county shall comply with the Minnesota Government Data Practices Act, *Minnesota Statutes*, chapter 13.

**Subp. 3. Recipient reporting responsibilities.** A recipient must follow the reporting procedures in items A to C.

A. A recipient of a child care subsidy must notify the county of any changes in marital or household status, address, employment or education status, provider, and any change in income from the amount reported on the application form or the last redetermination, whichever occurred later.

B. ~~The~~ A recipient must report the changes listed in item A within ten calendar days after the change. In cases of an income change, the date of change begins on the day that the recipient receives payment at the new rate.

C. A recipient's failure to report any changes under this subpart or to update information for redetermination is just grounds to terminate a child care subsidy assistance.

Subp. 4. [See repealer.]

**Subp. 5. Eligible applicants.** ~~An~~ In a family with a single parent, or unmarried legal guardian or eligible relative caretaker, the applicant must meet employment, education, or training requirements and other eligibility requirements under the basic sliding fee program or the AFDC child care program.

In a family with two parents, a parent and stepparent, a legal guardian and spouse, or an eligible relative caretaker and spouse, at least one parent, legal guardian, eligible relative caretaker, or spouse must meet employment, education, or training requirements and other eligibility requirements under the basic sliding fee program or the AFDC child care program. The other parent, legal guardian, eligible relative caretaker, or spouse must:

A. meet employment, education, or training requirements and other eligibility requirements under the basic sliding fee program or the AFDC child care program; or

B. unless the applicant is unable to care for the applicant's child or dependent as determined by a medical doctor or by an assessment by the local social services agency.

**Subp. 5a. Selection of provider.** An applicant may select a provider at the time of application or within 30 calendar days after the application for child care assistance has been approved.

**Subp. 6. Maximum weekly child care assistance.** Child care subsidies A family may not be received for receive more than 60 hours of child care assistance per child per week.

**Subp. 7. Child care assistance during employment.** In addition to other eligibility requirements, employed persons eligible for child care assistance under part 9565.5030, 9565.5060, or 9565.5065 must work ten hours or more per week and receive at least the state minimum wage for all hours worked. Child care assistance during employment shall be granted for all the number of hours of work worked including break and meal time and up to one hour two hours per day for travel time.

**Subp. 7a. Child care assistance in support of employment.** A county may grant child care assistance in support of employment for nonwork hours when all of the following conditions exist:

A. child care assistance is not provided under the child care fund during working hours;

B. the family meets the eligibility requirements of part 9565.5025, subpart 5;

C. the employee cannot reasonably modify his or her nonwork schedule to provide child care; and

D. the child care assistance does not exceed the amount of assistance that would be granted under subpart 7 during employment.

**Subp. 8. Child care assistance during education or training.** To the extent of available allocations, counties shall provide child care assistance during education or training shall be granted to students eligible under part 9565.5030 or 9565.5060 and enrolled in county-approved education or training programs according to items A and B to C.

A. Counties may grant full-time students shall receive the equivalent of full-time;

(1) child care on a half-day or full-day basis for the days of class for all hours of the education program including time in between nonconsecutive classes and up to one hour per day for travel time. Full-time students who do not have an open period between classes shall receive up to five hours per week for study and academic appointments and on nonclass days, if needed for study, as determined by the county;

(2) child care on a weekly basis; or

(3) child care according to the standards in item B.

Child care assistance granted under item A, subitem (1) shall not be less than the standard under item B and may not exceed 60 hours of child care per child per week.

B. Part-time students shall receive child care for:

(1) all hours of actual class time and credit hours for independent study and internships;

(2) time periods between nonconsecutive classes plus;

(3) up to one hour two hours per day for travel time; and

(4) up to two hours per week per credit hour for postsecondary students for study and academic appointments if there are no open periods between classes in the student's schedule.

When a part-time student has more than one hour between classes on any one day, the study and academic appointment time authorized under subitem (4) shall be reduced by the number of hours between classes.

C. When a student takes remedial classes with or without academic credit, the county shall grant child care assistance necessary to permit the student to take the remedial classes according to the standards in item A or B.

Subp. 8a. Child care assistance during employment and education or training. Employed students are eligible for child care assistance during employment and education or training. Counties shall use the standards in subparts 7 and 8 to determine the amount of child care assistance. Child care assistance during employment and education may not exceed 60 hours per child per week.

Subp. 8b. Acceptable course of study. An acceptable course of study for a student eligible under part 9565.5030 is an education or training program approved by the county that will reasonably lead to full-time employment opportunities as determined by the county. An acceptable course of study for a student eligible under part 9565.5060 is an education or training program described in the AFDC caretaker's EDP.

Subp. 8c. Satisfactory progress in education program. Subject to the limitation in subpart 9, a county shall provide child care assistance to students with an approved education or training program for the length of the education or training program if the student is making satisfactory progress in the education or training program. Satisfactory progress in the education or training program means a student remains in good standing in the education or training program and meets the requirements of the student's education plan under part 9565.5030 or employability development plan under part 9565.5060. If the county determines that a student is not making satisfactory progress towards completion of an education or training program, the county shall notify the student and discontinue child care assistance according to part 9565.5110, subpart 10.

Subp. 9. Maximum education and training under child care fund. The maximum length of time a student is eligible for child care assistance under the child care fund for education and training is described in items A to E.

A. A student is eligible for a maximum of 48 months of child care subsidy assistance for education or training from a single child care fund program or combination of programs within the child care fund. A four-year education or training program must be directed towards a baccalaureate degree. The time limit under this item does not apply to basic or remedial educational programs needed to prepare for postsecondary education or employment. Basic or remedial education programs include high school, general equivalency diploma, and English as a second language. Basic or remedial programs that run concurrently with a postsecondary program are not exempt from the time limit under this item.

B. A student who has completed an education or training program under the child care fund may receive a child care subsidy assistance for a second education or training program if:

(1) the total period of child care assistance under both programs needed to complete the second program when combined with the child care assistance previously received does not exceed the equivalent of 48 calendar months;

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## Proposed Rules

(2) the student has been unable to find full-time employment in the student's first program and the student does not have marketable skills; and

(3) at least one year has passed since the student completed the first program.

C. A student with a baccalaureate degree may obtain a child care subsidy assistance for continuing education units or certification or coursework necessary to update credentials to obtain or retain employment.

D. A student who has once dropped out of an education or training program or who once failed to complete an education or training program while receiving a child care subsidy assistance is eligible for child care assistance to enable the student to complete the program or begin a new program if the child care assistance needed to complete the earlier program or new program when combined with the child care assistance previously received does not exceed 48 months. A student applying for child care assistance under this item must be treated as a new applicant.

E. A student may receive a child care subsidy assistance for a second baccalaureate degree if:

(1) the student did not receive child care assistance under the child care subsidy program fund for the first baccalaureate degree; and

(2) the student does not have marketable skills.

Subp. 10. Changes in education and training programs. A proposed change in an education or training program is subject to county approval before the change may be made.

Subp. 11. Ineligibility for failure to pay fees under the child care fund. A family that fails to pay the provider charge or family copayment fee under the child care fund shall lose eligibility for child care assistance as long as such fees are owed unless satisfactory arrangements for repayment are made that are acceptable to the provider and the county. If a county is aware that fees are owed under the child care fund and satisfactory repayment is not being made, the county shall not authorize child care assistance until satisfactory repayment arrangements are made.

### **9565.5027 JOB SEARCH.**

To the extent of available allocations, counties shall provide persons eligible under part 9565.5030 who are seeking employment and persons eligible under part 9565.5060 who have an approved EDP including job search as an authorized activity, the equivalent of one month of child care during job search. At the option of the individual in job search and with prior county approval, child care may be used at a rate that is less than full time provided the total child care assistance does not exceed the equivalent of one month child care per calendar year. For the purpose of this part, job search includes locating, contacting, and interviewing with potential employers and preparing for job interviews.

### **9565.5030 BASIC SLIDING FEE PROGRAM.**

Subpart 1. Basic sliding fee program; funding sources. The basic sliding fee program includes funding from federal, state, and county sources. Federal funds available under United States Code, title 42, sections 602(i) and 9858, that are allocated to the basic sliding fee program shall be expended as provided in this part.

Subp. 1a. Basic sliding fee allocation. The commissioner shall allocate child care funds for the basic sliding fee program as provided in Minnesota Statutes, section 256H.03, subdivision 2 subdivisions 4 to 6.

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 4. AFDC Federal program reimbursement funding. Counties shall claim, on forms in the manner prescribed by the commissioner, federal reimbursement under the AFDC special needs program and other appropriate federal programs funding for child care expenditures for all eligible AFDC recipients who are in employment, education, training, or other preemployment activities allowed under the AFDC special needs program or other federal grant and reimbursement programs. The commissioner shall allocate any federal earnings to the county that claimed the federal reimbursement funding and the county shall use the earnings to expand funding for child care services under the basic sliding fee program.

Subp. 5. Reallocation of unexpended or unencumbered funds. The commissioner shall reallocate unexpended or unencumbered funds according to items A to D.

[For text of item A, see M.R.]

B. The amount reallocated to any county shall be based on earnings in excess of its allocation. The amount reallocated shall not be greater than the earnings in excess of allocation minus the county's maintenance of effort required under part 9565.5110, subpart 9 Minnesota Statutes, section 256H.12, subdivision 3.

[For text of item C, see M.R.]

D. If the amount of funds available for reallocation is greater than total county earnings in excess of allocations under the basic

sliding fee program, the funds remaining after the basic sliding fee reallocation shall be ~~allocated to counties with excess earnings under the AFDC child care program based on the ratio of a county's earnings in excess of its allocation to all county earnings in excess of allocation under the AFDC child care program carried forward to the second year in the biennium in proportion to the county earnings.~~

Subp. 6. ~~Families eligible for subsidies assistance under the basic sliding fee program. Eligibility for subsidies under the basic sliding fee program is determined according to items A and B.~~

~~A. To the extent of available allocations, a family is eligible for a child care subsidy assistance under the basic sliding fee program if:~~

~~A. the applicant meets eligibility requirements under part 9565.5025 and the family:~~

~~(1) is receiving AFDC;~~

~~(2) is eligible for AFDC but~~

~~B. the applicant is not receiving an AFDC caretaker; or and~~

~~(3) C. the family has an annual gross income that is above the eligibility limit for AFDC but that does not exceed 75 percent of the state median income for a family of four, adjusted for family size.~~

~~B. If adequate funds become available, the commissioner may extend the eligibility limit to families with incomes greater than 75 percent of the state median income for a family of four, adjusted for family size, to use available funds.~~

Subp. 7. **Basic sliding fee program waiting lists.** Counties must keep a written record of families who have applied for a requested child care subsidy assistance. When a family requests information about child care assistance, the county shall perform a preliminary determination of eligibility. If it appears that a family is or will be eligible for a child care subsidy assistance and funds are not immediately available, the family shall be placed on a child care subsidy waiting list. The county shall provide a means of identifying students placed on the basic sliding fee waiting list. If it appears that a family is eligible for a child care subsidy assistance and funds are available or if a family requests an application, the family shall be given a child care subsidy assistance application.

**Subp. 7a. Waiting list; transfer of transition year families to the basic sliding fee program.** The county shall place transition year families on the county's basic sliding fee program waiting list effective the earliest of the following dates:

A. the date the family became eligible for transition year child care assistance;

B. the date the family began participating in the ACCESS child care program under part 9565.5060, subpart 2a; or

C. the date the family enrolled in Project STRIDE.

If a transition year family moves to a new county, the waiting list date established under items A to C shall transfer with the family. If a transition year family comes to the top of the county's basic sliding fee program waiting list before the transition year ends, the county shall encumber basic sliding fee program funds for those months remaining in the state fiscal year after the transition year ends. When the transition year ends, the county shall move the transition year family into the basic sliding fee program. A transition year family that does not come to the top of the county's basic sliding fee program waiting list before completion of the transition year shall be moved into the basic sliding fee program as funding becomes available according to the priority under Minnesota Statutes, section 256H.03, subdivision 2b.

Subp. 8. [See repealer.]

Subp. 9. **Application for child care assistance.** A family that seeks a child care subsidy under the basic sliding fee program must apply for the child care subsidy assistance in the family's county of residence.

**Subp. 10. County child care responsibility when family moves.** When a family that is receiving child care assistance from the basic sliding fee program moves to a new county within Minnesota, the original county must continue to provide child care assistance for two full calendar months if child care is needed and the family remains eligible for child care assistance under the basic sliding fee program. The new county shall treat a family that moves to the county and requests child care assistance as a new applicant.

#### **9565.5050 CONTINUED ELIGIBILITY UNDER THE BASIC SLIDING FEE PROGRAM.**

To the extent of available allocations, a county may not refuse continued child care assistance to a family receiving a subsidy assistance under the basic sliding fee program when there is a change in the family's financial or household status. However, the

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family's annual gross income may not exceed 75 percent of the state median income for a family of four, adjusted for family size, and the family must meet all other eligibility requirements under the basic sliding fee program. Except for the education time limit under part 9565.5025, subpart 9, and the job search time limit under part 9565.5027, counties may not set a time limit for eligibility under the basic sliding fee program.

### 9565.5060 AFDC CHILD CARE PROGRAM.

Subpart 1. [See repealer.]

Subp. 2. Families eligible guaranteed child care assistance under the AFDC child care program. To the extent of available allocations, Except as provided in subpart 2a, families eligible for a guaranteed child care subsidy assistance under the AFDC child care program are families receiving AFDC and former AFDC recipients who during their first year of employment continue to require a child care subsidy in order to retain employment listed under Minnesota Statutes, section 256H.05.

Subp. 2a. ACCESS child care program. AFDC caretakers who are recipients of AFDC and not part of an assistance unit eligible or required to participate in Project STRIDE are eligible for child care assistance under the ACCESS child care program if enrolled in an education, training, or job search program authorized in their EDP. Each county shall enroll participants in the ACCESS child care program to the extent of the county's entitlement of family slots authorized under Minnesota Statutes, section 256H.05, subdivision 6. Counties shall prioritize eligibility for child care assistance under the ACCESS child care program in the county's child care fund allocation plan under part 9565.5120.

Subp. 2b. Approved EDP required under ACCESS. Before a county may grant child care assistance under subpart 2a, the ACCESS participant must have an EDP approved by the county. The EDP must meet the requirements under Minnesota Statutes, section 256.736, subdivision 10.

Subp. 2c. Conversion to Project STRIDE. Subject to the time limitations of parts 9565.5025, subpart 9, and 9565.5027, child care assistance must continue under the ACCESS child care program until the participant loses AFDC eligibility or is enrolled in Project STRIDE. When an ACCESS participant is enrolled in Project STRIDE, the ACCESS participant's EDP shall continue as the approved EDP for Project STRIDE.

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

Subp. 4a. AFDC caretakers required to have EDP. All AFDC caretakers applying for child care assistance to support training or preemployment activities including job search must have an EDP authorizing the child care assistance.

Subp. 4b. Child care assistance in support of employment. AFDC caretakers applying for child care assistance to support employment are guaranteed assistance for allowable child care costs above any dependent care deductions if the provider is eligible for payment under the child care fund.

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

Subp. 7. [See repealer.]

Subp. 8. AFDC federal program reimbursement. Counties shall claim, on forms in the manner prescribed by the commissioner, federal reimbursement under the AFDC special needs program and other appropriate federal programs for child care expenditures for all eligible AFDC recipients caretakers who are in education, training, or other preemployment activities allowed under the AFDC special needs program or other federal reimbursement programs. The commissioner shall allocate any federal earnings to the county that claimed the federal reimbursement. The county shall use the earnings to expand funding for child care services under the AFDC child care program.

Subp. 9. County child care responsibility when a family moves to another county. Except for families with an EDP in effect, a county is responsible for providing child care assistance to an AFDC family that moves to another county within Minnesota according to Minnesota Statutes, section 256G.07.

If an EDP is in effect, the county responsible for the EDP must provide child care assistance, if needed and the family remains eligible, through completion of the EDP or two full calendar months, whichever is longer. After completion of the EDP or two full calendar months, whichever is longer, if the family has applied for and is eligible for child care assistance under the AFDC child care program, the family shall receive child care assistance from the new county.

### 9565.5065 TRANSITION YEAR CHILD CARE.

Subpart 1. Notice to family of eligibility. The department must notify a family, in writing, at the time the family becomes ineligible for AFDC of its potential eligibility for transition year child care under this part. The notification must include information on how to establish eligibility for transition year child care and on the family's rights and responsibilities under the transition year child care program.

Subp. 2. Eligibility. Transition year child care assistance may only be used to support employment-related expenses. A family is eligible for transition year child care if the conditions in items A to E are met.

A. The family is no longer eligible for AFDC due to increased hours of, or increased income from, employment or the loss of income disregards due to the time limitations.

B. The family received AFDC in at least three of the six months immediately preceding the first month of ineligibility and at least the last month of AFDC was paid by Minnesota.

C. The family requests transition year child care, provides the county information necessary for determining eligibility and fees, and the family's income does not exceed 75 percent of the state median income for a family of four, adjusted for family size.

D. The child retains its "dependent child" status throughout the transition year. A "dependent child" is one who meets an AFDC basis of eligibility due to an absent, incapacitated, or unemployed parent. Transition year child care may be paid only for the care of a child who would be a dependent child if the family was receiving an AFDC grant, or for children who would have been eligible for AFDC except for the child's receipt of SSI or Title IV-E foster care benefits.

E. The former AFDC caretaker who applies for transition year child care must continue to cooperate with child support enforcement throughout the transition year period.

Eligibility for transition year child care begins the first month the family is ineligible for AFDC for the reasons identified in item A, and continues for 12 consecutive months. A former AFDC caretaker may apply for transition year child care any time during the year after losing eligibility for AFDC and, notwithstanding the application date, shall receive transition year child care assistance for all eligible months. Eligibility for transition year child care cannot extend beyond 12 months after the initial date of eligibility for that transition year child care.

Subp. 3. Loss of transition year child care eligibility. A family is not eligible for transition year child care for any remaining portion of the 12-month period if the former AFDC caretaker fails to cooperate with the county to establish payments and enforce child support obligations, or the former AFDC caretaker terminates employment without good cause. Termination of employment for the reasons in items A to E is considered to be for good cause.

A. The job is not suited to the physical or mental capacity of the AFDC caretaker or it has had an adverse effect on the AFDC caretaker's physical or mental health. A claim made under this item must be documented by a licensed physician or licensed psychologist.

B. The job site is unsafe under health and safety standards established by the Occupational Safety and Health Administration and the Minnesota Department of Jobs and Training.

C. The former AFDC caretaker documents discrimination at the job site on the basis of age, sex, race, religion, or place of national origin.

D. The gross hourly employment earnings are less than the federal or state minimum wage, whichever applies, for that type of employment.

E. The former AFDC caretaker has accepted other employment that provides equal or better income or benefits.

Subp. 4. Reestablishment of AFDC eligibility during transition year period. If a transition year family reestablishes eligibility for AFDC during the transition year period and subsequently meets the conditions in subpart 2, the family qualifies for a new 12-month transition year period. If the family received AFDC for only one or two of the previous six months, but meets the requirements in subpart 2, items A and C to E, the family is entitled to the remaining months of the transition year, treating the month or months on AFDC as a suspension of the child care benefit but not the transition year period. To receive child care assistance while receiving AFDC, the family must meet the AFDC child care requirements under part 9565.5060.

Subp. 5. Breaks during transition year when child care is not needed. If there are breaks during the transition year when child care is not needed, there is a suspension of the child care benefit but not the transition year period.

Subp. 6. Family copayment fee. A transition year family must pay a family copayment fee based on the family's gross income according to the sliding fee program schedule established under part 9565.5070.

Subp. 7. County child care responsibility when a family moves to another county. Except for families with an EDP in effect, a county is responsible for providing child care assistance to a transition year family that moves to another county within Minnesota according to Minnesota Statutes, section 256G.07.

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If an EDP is in effect, the county responsible for the EDP must provide child care assistance, if needed and the family remains eligible, through completion of the EDP or two full calendar months, whichever is longer. After completion of the EDP or two full calendar months, whichever is longer, if the family has applied for and is eligible for child care assistance under the transition year program, the family shall receive child care assistance from the new county.

Subp. 8. County denial of transition year child care application. A county shall deny an application for transition year child care when the information submitted by the former AFDC caretaker is insufficient to determine eligibility or if the information indicates ineligibility. When an application is denied, the county must send a notice to the applicant. The notice must state the reason for denial and inform the applicant of the right to appeal under Minnesota Statutes, section 256.045.

Subp. 9. Continuation of child care pending appeal. Except for discontinuation of child care assistance at the end of the 12-month period of eligibility, if a transition year family appeals a suspension, reduction, discontinuation, or termination of child care assistance before the effective date of the proposed action, the action shall not be taken until the appeal has had a fair hearing as provided under part 9565.5200, subpart 1. Child care assistance payments made pending a fair hearing are subject to recovery, when, as a result of the hearing, the commissioner finds that the transition year family was not eligible for continued child care assistance. The county shall recoup an overpayment under this subpart as provided in part 9565.5110, subpart 11.

### 9565.5070 FAMILY COPAYMENT FEE SCHEDULE.

Subpart 1. Non-AFDC family copayment fees. Non-AFDC families participating in the sliding fee program with an income greater than the federal poverty level must pay a family copayment fee for child care services as provided in subpart 3. Non-AFDC families participating in the sliding fee program with an income less than or equal to the federal poverty level must pay a family copayment fee for child care services as provided in subpart 2a.

Subp. 2. AFDC family copayment fees. AFDC families participating in the sliding fee program shall be governed by AFDC program rules regarding child care costs. Employed AFDC recipients must use their dependent care disregard before using the child care fund except as federal and state waivers allow. The child care fund shall cover the cost of child care for unemployed AFDC recipients in education, training, or preemployment activities up to the maximum amount set by the county under part 9565.5100 without applying a disregard. If the provider's charge for child care is greater than the maximum provider rate allowed under part 9565.5100, AFDC families shall pay, in addition to the dependent care disregard, the difference between the maximum provider rate allowed and the provider charge.

Subp. 2a. Non-AFDC family copayment fee for families with incomes less than or equal to the federal poverty level. Subject to the maximum provider rate established under part 9565.5100, a family whose income is less than or equal to the federal poverty level for a family of that size shall pay a monthly copayment fee as provided in items A and B.

A. If the family is a transition year family, the monthly family copayment fee is \$1. If federal regulations permit a state to waive a family's contribution, there is no family copayment fee.

B. If the family is not a transition year family, there is no family copayment fee.

If the provider's charge for child care is greater than the maximum provider rate allowed under part 9565.5100, non-AFDC families shall pay, in addition to any monthly copayment fee, the difference between the maximum provider rate allowed and the provider charge.

Subp. 3. Calculation of non-AFDC family copayment fee. Except as provided in subpart 2a, a non-AFDC family's monthly copayment fee is a fixed percent of its annual gross income. The fixed percent is based on the relationship of the family's annual gross income to 100 percent of state median income for a family of four, adjusted for family size. The fixed percent is set forth in item C.

Subject to the maximum provider rate established under part 9565.5100, if the family is eligible for AFDC but not receiving AFDC there is no family copayment fee. If the provider's charge for child care is greater than the maximum provider rate established by the county under part 9565.5100, the family shall pay the difference between the maximum provider rate and the provider charge.

The monthly family copayment fee for families with annual incomes greater than 185 percent of the AFDC family allowance for the assistance unit under part 9500.2440 the federal poverty level is determined as follows:

[For text of item A, see M.R.]

B. If the family's annual gross income is greater than 185 percent of the maximum AFDC grant the federal poverty level for a family of the same size but less than 42.01 percent of the state median income for a family of four, adjusted for family size, the family's monthly copayment fee is \$20 50 percent of the rate under item C, subitem (1), rounded to the nearest whole dollar.

C. If the family's annual gross income is greater than the federal poverty level and between 42.01 and 75.00 percent of the state median income (SMI) for a family of four, adjusted for family size, the monthly copayment fee is the fixed percentage established for that income range in subitems (1) to (58) multiplied by the highest possible income within that income range, divided by 12, and rounded to the nearest whole dollar.

[For text of subitems (1) to (58), see M.R.]

D. If the provider's charge for child care is greater than the maximum provider rate ~~established by the county~~ allowed under part 9565.5100, families shall pay, in addition to the family copayment fee, the difference between the maximum provider rate and the provider charge.

~~E.~~ If the remaining monthly provider charge, ~~up to the maximum provider rate established by the county under part 9565.5100,~~ for child care services is less than \$20 per month upon payment of the family copayment fee, the family shall pay the remainder of the provider charge.

~~F.~~ E. During the start-up month, the county ~~may determine the family copayment fee but it may not establish a fee that is greater than 100 percent of the monthly copayment fee for families receiving assistance on or before the 15th of any month or greater than 50 percent of the monthly~~ shall prorate the copayment fee for families receiving assistance on or after the 16th of any based on the number of calendar days remaining in the month.

Subp. 4. **Publication of state median income and fee schedule in *State Register*.** The department shall publish in the *State Register* the state median income for a family of four, adjusted for family size, and a fee schedule based on the formula in subpart 3, item C, within 120 days from the date of its ~~publication~~ the state median income is published in the *Federal Register* by the Department of Health and Human Services. Once published in the *State Register*, the department shall distribute a copy of the fee schedule and the updated estimate of state median income to each county. The updated fee schedule shall be used by the county to determine the family copayment fee for new applications and at a participating family's next redetermination beginning on the first ~~month~~ day of the state fiscal year or, if published after July 1, the first day of the first full quarter that follows publication of the state median income in the *State Register*.

#### **9565.5080 PAYMENT OF CHILD CARE ~~SUBSIDY~~ ASSISTANCE PAYMENTS.**

Subpart 1. **Payment options.** The county may make child care ~~subsidy~~ payments to the child care provider or directly to an eligible family to reimburse the family for child care expenditures. If the county makes child care ~~subsidy~~ payments directly to an eligible family, it shall establish appropriate documentation procedures to ensure that funds are used for child care.

Subp. 1a. Registration of legal nonlicensed caregivers. Before a county makes a child care payment to a legal nonlicensed caregiver, the legal nonlicensed caregiver must be registered with the county. After the registration requirement for a legal nonlicensed caregiver is satisfied, payment shall be made retroactive to the beginning date of authorized child care for employment, education, or training; the date the child care application was signed; or the date the family began using the legal nonlicensed caregiver, whichever is later.

Subp. 1b. County authorization of child care. A county may authorize child care on an hourly, half-day, full-day, or weekly basis. Combinations of hourly, half-day, or full-day child care may be paid when 11 hours or more of child care are authorized in a 24-hour period. If a family selects a child care provider who charges for child care on a basis greater than the amount of child care authorized by a county, the family is responsible for the cost of child care that exceeds the amount authorized by the county.

Subp. 1c. Maximum child care payments. Child care assistance payments under the child care fund may not exceed the 75th percentile rate for like care arrangements in the county. Payment for child care rates that exceed the 75th percentile is the responsibility of the family. When a provider's rate is less than the 75th percentile, the county shall pay the provider's rate.

Subp. 1d. Standard for converting authorized care into hours used. Under part 9565.5025, subpart 6, a family may not receive more than 60 hours of child care assistance per child per week. For the purpose of converting child care authorized on a half-day, full-day, or weekly basis into hours, the counties shall use the standards in items A to C.

A. When a county authorizes child care on a half-day basis, a half day is equal to five hours of child care.

B. When a county authorizes child care on a full-day basis, a full day is equal to ten hours of child care.

C. When a county authorizes child care on a weekly basis, a week is equal to 50 hours of child care.

Subp. 2. **Notification of vendor payment procedures.** If the method of payment is vendor payment, the county shall inform both the family and child care provider of the payment amount and how and when payment shall be received. When a county sends a family a notice that child care assistance will be terminated, the county shall inform the vendor that unless the family requests to continue to receive assistance pending an appeal, child care payments will no longer be made. The notice to a vendor shall not contain any private data on the family or information on why payments will no longer be made.

[For text of subp 3, see M.R.]

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Subp. 4. **Sick child care.** Sick child care means child care services provided to children who as a result of illness cannot attend the family's regular provider. If required by the regular provider, child care payments shall go to the provider to hold a child care space for the sick child. In addition to making payments for regular child care, the county may ~~pay~~ make payments for sick child care on a limited basis. If the county chooses to pay sick child care, payment for sick child care shall be at a rate comparable to like care arrangements in the county. The county's sick child care policy and rate shall be included in the county's annual biennial allocation plan required under part 9565.5120.

Subp. 5. **Payment during child absences.** ~~If required by the regular provider, child care payments shall go to the provider to hold a child care space for an absent child. Payments for child absences may be made for employer or school holidays and breaks. The total payment amount allowed to be paid from the child care fund under this subpart and subpart 4 shall not exceed ten days per child in a six-month period. Under Minnesota Statutes, section 256H.02, counties are authorized to establish policies for payment of child care spaces for absent children when the payment is required by the child's regular provider. If the county establishes policies for the payment of child care spaces for absent children, the county shall set limits and pay for the absences according to the prevailing market practice in the county. County policies for payment of absences shall be included in the county's allocation plan required under part 9565.5120.~~ Provider charges for absent days in excess of this the amount established by the county are the responsibility of the family receiving the child care subsidy assistance.

Subp. 6. **Payment during medical leaves of absence.** Counties may establish policies for child care assistance during a parent's medical leave of absence from education or employment if the parent is incapable of providing child care during the medical leave of absence. Child care assistance provided under this subpart shall only be granted if:

A. the parent is expected to return to the parent's current employment or education or training program within 90 calendar days;

B. the necessity of the medical leave and the inability to provide child care is documented by a physician; and

C. the amount of child care during the leave of absence does not exceed the equivalent of one month of full-time child care.

The county's policy on medical leaves of absence shall be included in the allocation plan required under part 9565.5120.

### 9565.5090 ELIGIBLE PROVIDERS AND PROVIDER REQUIREMENTS.

Subpart 1. **Eligible providers.** Providers eligible for payments under the child care fund are providers as defined in part 9565.5010, subpart 29 Minnesota Statutes, section 256H.01, subdivision 12. Parents may choose child care providers that best meet the needs of their family subject to the limitation in Minnesota Statutes, section 256H.10, subdivision 5.

Subp. 2. **Registration before payment.** A legal nonlicensed caregiver must be registered with the county before the caregiver may receive a provider payment under the child care fund.

Subp. 3. **Parental access to children in care.** Providers must permit parents unlimited access to their children and to the provider caring for their children during normal hours of provider operation and when the children are in the care of the provider.

Subp. 4. **Complaints, record, and disclosure.** Legal nonlicensed caregivers must permit counties to maintain a record of substantiated parental complaints concerning the health and safety of children in the legal nonlicensed caregiver's care and to allow the disclosure to the public on request of that information subject to Minnesota Statutes, chapter 13. Information governing maltreatment of minors shall be maintained and disclosed according to Minnesota Statutes, section 626.556.

### 9565.5100 CHILD CARE PROVIDER RATES.

Subpart 1. **Rate determination.** Each year Not less than once every two years, the commissioner shall determine the median 75th percentile provider charge rate for infants, toddlers, preschool children, and school age children in day care centers and family day care homes in each county. The rates surveyed shall include a survey of registration fees when it is usual and customary for a category of provider to charge registration fees. When the sample size for determining provider rates is too small to provide a valid statistical sample, the commissioner may establish child care provider rates based on like care arrangements in similar areas.

Subp. 1a. **Rate determination for registered legal nonlicensed caregivers.** Beginning in 1994 and every two years thereafter, the counties shall conduct a survey of registered nonlicensed caregivers to determine the 75th percentile rate for infants, toddlers, preschool, and school age children. The survey shall be conducted in a manner prescribed by the commissioner.

Subp. 1b. **Rate determination; handicapped or special needs.** The county shall set the maximum child care rate for a provider providing child care to a handicapped or special needs child based on like care arrangements in the county. When four or more providers offer child care for children with a handicap or special needs, the county shall identify the 75th percentile rate. A rate established under this subpart must be included in the child care allocation plan.

Subp. 1c. **Payment rate differential, same category.** The differential between maximum payment rates for child care assistance in the same category of care may not exceed ten percent.

Subp. 1d. Child care rate, provider's county of residence. Child care payments shall be based on the allowable rates in the provider's county of residence when the provider resides in Minnesota.

Subp. 1e. Provider rates under child care fund. Providers may not charge families receiving assistance under Minnesota Statutes, chapter 256H, a provider rate that is higher than the private, full-paying client rate.

Subp. 1f. Payment of registration fees. If a licensed provider or license-exempt center charges families a registration fee to enroll children in the program and the registration fee is not included in the provider rate, the county shall pay the provider registration fee or the 75th percentile of the registration fees surveyed in subpart 1, whichever is less. The county may not pay for more than two registrations per family in a 12-month period. Registration fees greater than the standard set forth in this subpart are the responsibility of the family.

Subp. 1g. Payment of activity fees. If, in addition to a provider's base rate, a provider charges optional activity fees, the family is responsible for payment of the optional activity fees. If the provider's activity fees are not optional, the activity fees shall be incorporated into the base rate and the provider may be paid up to the 75th percentile provider rate from the child care fund. When the combined base rate and the activity fees exceed the 75th percentile provider rate for like care arrangements, the family is responsible for the amount in excess of the 75th percentile provider rate.

Subp. 2. Establishment of Maximum county child care subsidy assistance rate. Counties shall pay the provider's charges rate to cover all eligible authorized hours of child care up to the maximum of 60 hours per child per week. The county board may set a maximum rate that it will a county shall pay a for child care provider according to items A to F assistance is the provider rate or the 75th percentile rate determined by the commissioner under subpart 1, whichever is less.

A. The maximum rate for a legal nonlicensed caregiver may be set by the county but may not be less than the median rate in the county for family day care providers nor more than 125 percent of the median rate for family day care providers.

B. The rate for child care for a child with a handicap may be set by the county but not be less than the 110 percent or more than 125 percent of the median rate in the county for care of children with a handicap.

C. The maximum rate for a licensed provider may be set by the county but may not be lower than 110 percent or higher than 125 percent of the median rate determined by the department to exist for similar care arrangements in that county.

D. To be reimbursed for more than 110 percent of the median rate, a provider with employees must pay wages for teachers, assistants, and aides that are more than 110 percent of the county average rate for child care workers.

E. If the county chooses not to set a maximum rate, the maximum state participation is 125 percent of the median rate for similar care arrangements in the county. The county shall pay the difference between the provider charge and the amount of state participation.

F. If the county establishes a maximum rate, it must pay the provider's charge for each child in care up to the maximum rate. If a provider's child care rate is less than the county's maximum rate, the county must pay the lower rate.

Subp. 3. Maximum state participation. The state payment is limited to the difference between the family copayment fee and the provider's charge for care rate up to a maximum of 125 percent of the median 75th percentile rate determined by the department for similar like care arrangements in the county. When the provider of child care services charges provider's rate for each child in care is more than the maximum rate set 75th percentile rate for similar like care arrangements in the county, the state's payment is limited to the difference between the maximum rate set 75th percentile rate for similar like care arrangements in the county and the family's copayment fee.

#### **9565.5110 COUNTY RESPONSIBILITIES.**

Subpart 1. County child care assistance policies and procedures. Counties shall adopt policies and procedures for providing child care subsidies assistance to enable eligible applicants to seek or retain employment or to participate in education or training programs. All county policies applied to recipients of that apply to child care subsidies assistance must be in writing and must be included in the county's annual biennial allocation plan required under part 9565.5120.

Subp. 2. Child care subsidy assistance information. The county shall provide information on child care subsidies assistance to child care service providers, social service agencies, and the local news media as it deems necessary to ensure the full use of its child care fund allocation. The county shall inform individuals who inquire about child care of the availability of child care assistance and child care resource and referral services.

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**Subp. 2a. County termination of application approval for failure to select a provider.** A county may terminate approval of the child care assistance application for a family that fails to select a provider within 30 calendar days from the date the application is approved. The county must provide notice to a family under subpart 12 when terminating approval of the child care assistance application.

**Subp. 2b. Determination of providers eligible for payments.** The county's process for approving providers eligible for payments under the child care fund may not exceed 30 calendar days, or 45 calendar days with the approval of the applicant, from the date the child care application is approved or the date the child care provider is selected by the applicant, whichever is later. Reimbursement for child care expenses must begin retroactive to the date of the signed application for eligible services, the beginning date of participation in an authorized education or employment activity, or the date the applicant selected the eligible provider, whichever is later. If the county determines that a provider chosen by an applicant is not eligible to receive child care payments under the child care fund, the applicant may appeal the county's determination under part 9565.5200.

**Subp. 2c. Registration of legal nonlicensed caregivers.** Before the county issues a provider payment to a legal nonlicensed caregiver, the caregiver must be registered with the county. To be registered with the county, the provider is required to supply the county with the provider's name, social security number, age, and address of the caregiver, the provider rate, and a release to permit information on substantiated parental complaints concerning the health and safety of children in their care to be disclosed to the public subject to *Minnesota Statutes*, chapter 13. In addition to other registration requirements, legal nonlicensed caregivers must comply with state and local health ordinances and building and fire codes applicable to the premise where child care is provided. The county shall provide each registered caregiver health and safety material supplied by the department and shall refer the registered caregiver to the child care resources and referral agency. A county shall not authorize the payment of child care assistance to a legal nonlicensed caregiver who is not registered.

**Subp. 2d. Parental complaints against legal nonlicensed caregivers.** Within 24 hours of receiving a parental complaint concerning the health or safety of children under the care of a legal nonlicensed caregiver, a county must relay the complaint to:

A. the county's child protection agency if the parental complaint alleges child maltreatment as defined in *Minnesota Statutes*, section 626.556, subdivision 10e;

B. the county's public health agency if the parental complaint alleges a danger to public health due to communicable disease, unsafe water supply, sewage or waste disposal, or building structures;

C. local law enforcement if the parental complaint alleges criminal activity that may endanger the health or safety of children under care; or

D. other agencies with jurisdiction to investigate complaints relating to the health and safety of a child.

If a complaint is substantiated under item A, the county must keep a record of the substantiated complaint as provided in *Minnesota Statutes*, section 626.556. If a complaint is substantiated under items B to D, the county must keep a record of the substantiated complaint for three years. Upon request, information governing substantiated complaints shall be released to the public as authorized under *Minnesota Statutes*, chapter 13. Upon receiving notice of a substantiated complaint under items A to D, the county shall not make subsequent payments to that provider from the child care fund.

**Subp. 3. County contracts and designation of administering agency.** Counties may contract for the administration of the child care subsidy program fund or may arrange for child care subsidy funds to be used by other designated programs. The county shall designate the agency authorized to administer the child care fund.

**Subp. 3a. Agreement with employment and training service providers.** The county shall develop cooperative agreements with employment and training service providers to coordinate child care funding with employment, training, and education programs for all AFDC Project STRIDE caretakers. The cooperative agreement shall specify that AFDC caretakers eligible for Project STRIDE who are receiving employment, training, and education services under an EDP shall be guaranteed child care assistance from the county responsible for the AFDC caretaker's EDP.

[For text of subp 4, see M.R.]

**Subp. 5. Funding Eligibility priorities for beginning assistance.** If a county's funding basic sliding fee program allocation for child care is insufficient to address fund all requests applications for a child care subsidy assistance, the county shall prioritize funding eligibility among all the groups that remain to be served after the county has complied with the priority requirements set forth in *Minnesota Statutes*, sections section 256H.03 and 256H.05, subdivision 2b. The county shall include its rationale for the prioritization of eligibility for beginning assistance in its annual biennial allocation plan. To the extent of available allocations, no eligible family may be excluded from receiving a child care subsidy assistance.

Subp. 6. [See repealer.]

**Subp. 7. Funding waiting list and intermittent assistance for basic sliding fee.** If it appears that a family is or will be eligible for child care assistance and funds are not immediately available, the county shall place the family on a basic sliding fee waiting list

eligible families that do not receive a child care subsidy due to insufficient funding. Families on the waiting list shall be moved into the child care subsidy basic sliding fee program as funding permits based on the county funding priorities adopted under subpart 5. For no more than 90 days, the county may reserve a family's position in the child care subsidy program if the family has been receiving a child care subsidy but is temporarily ineligible for assistance due to a change in income or family status. The county's policy for reserving the position of families temporarily ineligible for child care assistance must be in writing and must be included in the annual allocation plan required in part 9565.5120. Transition year child care families must be put on the basic sliding fee program waiting list as provided in part 9565.5030, subpart 7a.

Subp. 7a. Waiting list, non-STRIDE AFDC caretakers. Counties must keep a written list of AFDC caretakers not eligible for Project STRIDE who request ACCESS child care assistance.

Subp. 7b. Intermittent assistance. For no more than 90 days for employed recipients and one academic quarter for recipients in an education or training program, the county may reserve a family's position under the child care fund if the family has been receiving or is approved to receive child care assistance but is temporarily ineligible for assistance due to income, education, or family status. The county's policy for reserving the position of families temporarily ineligible for child care assistance must be in writing and must be included in the biennial allocation plan required in part 9565.5120. If there are temporary breaks during the year when child care is not needed but the family remains eligible for child care assistance, there is a suspension of the child care benefit but not child care eligibility.

[For text of subp 8, see M.R.]

Subp. 9. [See repealer.]

Subp. 10. [See repealer.]

Subp. 10a. Just cause for terminating child care assistance. Items A to C constitute just cause for terminating child care assistance.

A. The failure of a recipient to:

- (1) select a provider within the time limit under part 9565.5025, subpart 5a;
- (2) provide the administering agency required information or documentation;
- (3) report changes required under part 9565.5025, subpart 3; or
- (4) pay the provider charge if the state share of the child care assistance is paid directly to the family or to pay the family copayment fee if the state share of the child care assistance is vendor paid.

B. The recipient wrongfully obtains child care assistance due to fraud.

C. A county may terminate child care assistance if the county's child care allocation is insufficient to fund the child care needs of families currently receiving child care assistance. When available child care funds are insufficient to permit continued child care assistance to all families currently receiving assistance, the county may terminate assistance to families in the order of last on, first off. The county must consult with the commissioner before terminating assistance under this item. When funds become available, counties must reinstate families that remain eligible for child care assistance and whose child care assistance was terminated due to insufficient funds before the county accepts new applications. Those families whose child care assistance was most recently terminated due to insufficient funds shall be reinstated first.

Subp. 10b. Notice of termination of child care assistance to recipients. The county shall notify a recipient, in writing, of termination of child care assistance. The notice shall state the reason or reasons the assistance is being terminated. The notice shall inform the recipient of the right to appeal the adverse action and the procedure for doing so. The notice shall inform the recipient that if the recipient appeals the proposed action before the effective date of termination, the action shall not be taken until the appeal has had a fair hearing and that benefits paid during the appeal process will be subject to recovery if the termination is upheld. Except for cases of suspected fraud, the notice must be mailed to the recipient's last known address at least 15 calendar days before terminating assistance. In cases of suspected fraud, the termination notice must be mailed at least five working days before the effective date of the termination.

Subp. 10c. Notice of termination of child care assistance to vendors. If the child care assistance is made by vendor payment, the county shall inform the child care provider that unless the family requests to continue to receive assistance pending an appeal, child care payments will no longer be made. The notice to a vendor shall not contain any private data on the family or information on why payments will no longer be made.

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Subp. 10d. Child care payments when termination is appealed. If the recipient appeals the proposed action before the effective date of termination, the action shall not be taken until the appeal has had a fair hearing as provided under part 9565.5200, subpart 1. Child care assistance paid pending a fair hearing is subject to recovery to the extent that the commissioner finds on appeal that the recipient was not eligible for the amount of child care assistance paid. The county shall seek voluntary repayment or initiate civil court proceedings to recover child care assistance payments under this subpart. A recipient may appeal the termination of child care assistance and choose not to receive child care assistance pending the appeal. If the commissioner finds on appeal that child care assistance should not have been terminated, the county shall reimburse the recipient for documented child care payments made pending the appeal.

Subp. 11. Recoupment of overpayments. When a county discovers that a family has received an overpayment for one or more months, the county shall recoup the overpayment even when the overpayment is due to agency error or to other circumstances outside the responsibility or control of the family. The county shall recoup overpayments that occurred up to 12 months before the month the overpayment is discovered according to items A to C. A county may pursue recovery of an overpayment that extends beyond the 12-month period through means of collection other than recoupment.

A. The county shall notify the family of the overpayment in writing. A notice of overpayment must specify the reason for the overpayment, the time period in which the overpayment occurred, the amount of the overpayment, and the family's right to appeal the county's recoupment of the overpayment.

B. The county shall redetermine the family's eligibility for child care assistance. If the family remains eligible for child care assistance, the county shall recoup the overpayment under subitem (1), (2), or (3).

(1) Except as provided in subitem (3), when the family's income is less than or equal to the federal poverty level, the county shall reduce child care assistance by \$20 per month until the debt is retired.

(2) Except as provided in subitem (3), if a family's income is greater than the federal poverty level the county shall reduce monthly child care assistance by the larger of eight percent of the overpayment or \$20, not to exceed two times the family copayment fee under part 9565.5070, subpart 3, until the debt is retired.

(3) A county shall reduce child care assistance by an amount equal to 16 percent of the overpayment until the debt is retired when an overpayment is due to a family's failure to provide accurate information on household status, income, or employment or education status; a family's failure to report a change under part 9565.5025, subpart 3, on two or more occasions and the failure to report caused the overpayment; or the amount of the overpayment is greater than \$1,000.

C. If the family no longer remains eligible for child care assistance, the county may choose to initiate efforts to recover overpayments from the family for overpayment less than \$50. When the amount of the overpayment is greater than or equal to \$50, the county shall seek voluntary repayment of the overpayment from the family. If the county is unable to recoup the overpayment through voluntary repayment, the county shall initiate civil court proceedings to recover the overpayment unless the county's costs to recover the overpayment will exceed the amount of the overpayment. A family with an outstanding debt under this item is not eligible for child care assistance until the debt is paid in full or satisfactory arrangements are made with the county to retire the debt.

Subp. 12. Notice to recipients of adverse actions. In addition to providing recipients notice of termination under subpart 10b, the county must give recipients notice of any adverse actions affecting the recipient. Actions requiring notice include:

- A. termination of an application for failure to select a provider;
- B. a reduction in hours of service;
- C. an increase in copayment;
- D. a denial of an education plan;
- E. an adverse determination of provider eligibility; and
- F. county intent to recoup an overpayment.

The notice shall describe the action and the reason the action is being taken. The notice shall be in writing and shall inform the recipient of the effective date of the change, the right to appeal any adverse action, and the procedure for doing so.

### **9565.5120 CHILD CARE FUND ALLOCATION PLAN.**

Subpart 1. Submittal of plan. By the date established by the commissioner each year, the county shall submit to the commissioner an annual a biennial child care fund allocation plan. The commissioner may require updates of information in the allocation plan as necessary to comply with parts 9565.5000 to 9565.5200, Minnesota Statutes, sections 256H.01 to 256H.19, and federal law.

Subp. 2. Plan content. The allocation plan shall contain:

[For text of item A, see M.R.]

- B. information regarding the number of families that requested a child care subsidy assistance in the previous year immediately

preceding the period covered by the allocation plan, the number of eligible families the county is able to serve in each program, the county's procedure for prioritizing child care subsidies assistance, and the number of families on a waiting list for child care subsidies assistance;

C. methods the county uses to inform ~~target groups~~ families of the availability of a child care subsidy assistance and copies of county policies regarding child care services;

D. information, as requested, on provider rates paid by provider type;

E. the county's policy for approving and extending child care subsidies assistance for parents whose education programs change;

F. the county's policy for providing child care assistance to families needing intermittent child care assistance under part 9565.5110, subpart 7;

G. a statement that the county has not reduced child care funding as required under ~~part 9565.5110, subpart 9~~ Minnesota Statutes, section 256H.12, subdivision 3; and

H. copies of all subcontracts governing program administration if the administering agency is not the county;

I. the county's eligibility priority for ACCESS child care; and

J. other information, as requested by the commissioner, that describes the county's policies and procedures used to administer the child care funds fund.

[For text of subp 3, see M.R.]

#### **9565.5130 DUTIES OF ADMINISTERING AGENCY.**

Subpart 1. ~~Application forms and Child care subsidy assistance information. The administering agency shall offer by hand or mail, a child care subsidy application form to an applicant if funds are available or the family requests an application.~~ The administering agency shall provide ~~the family~~ families with information supplied by the department regarding the availability of federal and state child care tax credits and federal earned income tax credits. At the time of the request for child care assistance, the administering agency shall inform the family of the following:

A. ~~the eligibility requirements for participating in under~~ the child care subsidy program fund and documentation necessary to confirm eligibility;

B. the existence of a child care subsidy assistance waiting list and the number of families on the waiting list;

C. the procedure for applying for a child care subsidy assistance; and

D. the family copayment fee schedule and how the fee is computed; and

E. the family's rights and responsibilities when choosing a provider.

Subp. 2. **Application procedure.** An administering agency must follow the application procedures in items A to D.

A. If it appears that a family is eligible for a child care subsidy assistance and funds are available or if a family requests an application, the administering agency shall mail or hand the family a child care subsidy assistance application.

[For text of items B to D, see M.R.]

Subp. 3. **Date of eligibility for assistance.** The date of eligibility for child care assistance under parts 9565.5030 and 9565.5060 is the later of the date the application was signed; the beginning date of employment, education, or training; or the date a determination has been made that the applicant is a participant in employment and training programs under part 9565.5060, subpart 2a or Minnesota Statutes, section 256.736. The date of eligibility for child care assistance under part 9565.5065 is the date the family ceased to be eligible for AFDC as a result of increased hours of employment, increased income from employment, or the loss of disregards due to time limitations. Upon approval of the application for assistance under part 9565.5065, child care assistance shall be made retroactive to the date the family ceased to be eligible for AFDC if all other provisions of parts 9565.5000 to 9565.5200 are met.

The notice of approval of the application must state the following:

A. the beginning date of eligibility; and

B. that any change in income, address, family size, ~~and marital status~~, provider, or employment, education, or training status must be reported within ten calendar days from the date the change occurs; and

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## Proposed Rules

C. that, if child care assistance is terminated, the recipient will be informed of the reason for the termination and providers who receive vendor payments will be informed that, unless the family requests to continue to receive assistance pending an appeal, child care payments will no longer be made.

### 9565.5140 DETERMINATION OF INCOME ELIGIBILITY FOR CHILD CARE ASSISTANCE.

Subpart 1. **Proof of income eligibility.** An applicant requesting a child care ~~subsidy~~ assistance must provide proof of income eligibility. For the purpose of determining income eligibility, annual income ~~of the applicant family~~ is the income of the family for the current month multiplied by 12, the income for the 12-month period immediately preceding the date of application, or the income for the time period that provides the most accurate assessment of annual income available to the family. The administering agency must use the method that provides the most accurate assessment of annual income currently available to the family. Income must be verified with documentary evidence. If the applicant does not have sufficient evidence of income, verification must be obtained from the source of income.

[For text of subs 2 and 3, see M.R.]

Subp. 4. **Determination of annual gross income.** The income standard for determining eligibility for a child care ~~subsidy~~ assistance is annual gross income. Annual gross income is the sum of gross earned income, self-employment income, unearned income, and lump sum payments. Gross earned income, self-employment income, unearned income, and lump sum payments must be calculated separately.

[For text of subp 5, see M.R.]

Subp. 6. **Excluded income.** The administering agency shall exclude items A to G from annual gross income:

- A. scholarships, work-study income, and grants that cover costs for tuition, fees, books, and educational supplies;
- B. student loans for tuition, fees, books, supplies, and living expenses;

C. earned income tax credits, in-kind noncash public assistance income such as food stamps, energy assistance, child care assistance, medical assistance, and housing subsidies;

[For text of items D to G, see M.R.]

[For text of subs 7 to 10, see M.R.]

Subp. 11. **Determination of rental income.** Income from rental property is considered self-employment earnings when the owner spends an average of ~~ten~~ 20 or more hours per week on maintenance or management of the property. The administering agency shall deduct an amount for upkeep and repairs according to subpart 8, item L, for real estate taxes, insurance, utilities, and interest on principal payments. When a family lives on the rental property, the administering agency shall divide the expenses for upkeep, taxes, insurance, utilities, and interest by the number of units to determine the expense per unit. The administering agency shall deduct expenses from rental income only for the number of units rented, not for units occupied by family members. When an owner does not spend an average of ~~ten~~ 20 or more hours per week on maintenance or management of the property, income from rental property is considered unearned income. The deductions described in this subpart are subtracted from gross rental receipts.

[For text of subs 12 and 13, see M.R.]

### 9565.5150 REDETERMINATION OF ELIGIBILITY.

The county shall redetermine a family's eligibility for a child care ~~subsidy~~ assistance and the family's copayment fee when notified by the family of a change in the information required to be reported in part 9565.5025, subpart 3, or at least every six months, whichever occurs first.

A redetermination of eligibility shall not be treated as a new application for child care assistance. If, as a result of redetermination of eligibility, a family is found to be ineligible for further child care assistance, the county shall terminate the child care assistance as provided in part 9565.5110, subpart 10.

### 9565.5160 QUARTERLY FINANCIAL AND PROGRAM ACTIVITY REPORTS.

Counties shall submit, ~~on forms in the manner~~ in the manner prescribed by the commissioner, a quarterly financial and program activity report. The report is due within 20 calendar days after the end of each quarter. The financial and program activity report must include:

A. a detailed accounting of the expenditures and revenues for the child care ~~subsidy program fund~~ program fund during the preceding quarter by funding source and eligibility group;

B. a description of child care activities and expenditures that are ~~federally~~ reimbursable under ~~the AFDC employment special needs program or other state and~~ federal reimbursement programs; and

C. a description of child care activities and expenditures of set-aside money;

D. ~~information on money encumbered at the quarter's end but not yet reimbursable, for use in adjusting allocations as provided~~

in parts 9565.5030, subpart 5; and 9565.5060, subpart 7; and

~~E~~. other information concerning financial or program activity as requested by the department.

**9565.5200 FAIR HEARING PROCESS.**

Subpart 1. **Hearing request.** An applicant or recipient of a child care ~~subsidy~~ assistance adversely affected by an administering agency's action may request a fair hearing according to *Minnesota Statutes*, section 256.045, subdivision 3.

[For text of subp 2, see M.R.]

**REPEALER.** *Minnesota Rules*, parts 9565.5010, subparts 6, 7, 13, 23, 24, and 33; 9565.5025, subpart 4; 9565.5030, subparts 2, 3, and 8; 9565.5040; 9565.5060, subparts 1, 3, 4, 5, 6, and 7; and 9565.5110, subparts 6, 9, and 10, are repealed.

## Minnesota State Lottery

### Proposed Permanent Rules Relating to Prize Payments and Drawing Procedures

#### I. Notice of Intent to Adopt Rules Without a Public Hearing

**NOTICE IS HEREBY GIVEN** that the Minnesota State Lottery (hereinafter "Lottery") proposes to adopt the above-captioned rules without a public hearing unless 25 or more persons submit written requests for a public hearing with respect to the proposed rules. The Lottery has determined that the proposed rules will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes*, section 14.22 to 14.28 (1992).

All interested persons shall have 30 days from the date this notice is published in the *State Register* to submit comments in support of or in opposition to the proposed rules or subpart of the rules. The 30 days will expire on August 18, 1993. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Lottery and do not result in a substantial change in the proposed rule as noticed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. If a person desires that a hearing be held on only a portion of the proposed rules, it is requested that the Lottery be informed of the specific portion of the rules on which a hearing is being requested at the time the hearing request is made. This will enable the Lottery to limit the hearing, if one is held, to the specific issues of concern. Any person requesting a public hearing must state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, it will be held in accordance with *Minnesota Statutes*, sections 14.131 to 14.20 (1992).

Comments or written requests for a public hearing must be submitted to:

Dale L. McDonnell  
Legal Counsel  
Minnesota State Lottery  
2645 Long Lake Road  
Roseville, Minnesota 55113

A copy of the proposed rules is attached to this notice.

The statutory authority of the Lottery to adopt the proposed rules is contained in *Minnesota Statutes*, section 349A.05 (1992).

The proposed rules will be published in the *State Register* issue of July 19, 1993, and a free copy of the rules may be obtained from the Lottery by writing Dale L. McDonnell at the address listed above.

A statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and may be reviewed at the Lottery by contacting Dale L. McDonnell at the address listed above.

Promulgation of the proposed rules will not result in the expenditure of public monies by local public bodies nor have an impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes*, section 14.11 (1992).

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## Proposed Rules

The proposed rules will not impact small businesses; therefore, no further information need be provided under *Minnesota Statutes*, section 14.115 (1992).

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General and a copy of the Attorney General opinion. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit a written request to Dale L. McDonnell at the address listed above.

Dated: 30 June 1993

George R. Anderson  
Director  
Minnesota State Lottery

### Rules as Proposed

#### 7856.2020 SELECTION OF RETAILERS.

Subpart 1. **Eligibility.** An applicant for a lottery retailer contract must:

[For text of items A to D, see M.R.]

E. not have an officer, director, or person who owns more than five percent of the business of the applicant who has within the previous five years been convicted of a felony, gross misdemeanor, or crime involving fraud or misrepresentation, or a gambling-related offense except as provided under *Minnesota Statutes*, section 349A.06, subdivision 2, clause (c); and

F. not be a member of the immediate family residing in the same household as the director, board member, or employee of the division lottery.

[For text of subps 2 and 3, see M.R.]

#### 7857.6000 PRIZES PAYABLE AFTER DEATH OF PRIZE WINNER.

Subpart 1. **General.** All prizes or portions of prizes due will remain payable at the time of death of the prize winner. Upon payment as provided under this chapter, the lottery will be absolved of any further liability. The payment of a prize may not be accelerated before the normal date of tender or payment because of the death of the prize winner or for any reason, except as provided in subpart 4.

[For text of subps 2 and 3, see M.R.]

Subp. 4. Acceleration of payment. After the death of a lottery prize winner and upon petition of the estate of the lottery prize winner, the director may accelerate payment of all remaining proceeds from the winning ticket to the estate of the lottery winner by either:

A. transferring to the estate all securities and other investment securities held by the lottery to satisfy the prize requirements;

or

B. paying the estate the present value of the remaining payments of the lottery winner's prize.

#### 7858.0100 PRIZE DRAWING PROCEDURES.

Subpart 1. Retailer notification. In any instant ticket lottery game conducted by the lottery in which purchased tickets may be mailed to the lottery for entry in one or more prize drawings, the lottery will notify all lottery retailers selling tickets in the game to cease selling tickets for that game at least seven days before the date the tickets must be received by the lottery to be eligible for entry in the final prize drawing.

Subp. 2. Player notification. For any instant ticket lottery game conducted by the lottery where tickets may be mailed to the lottery for entry in one or more prize drawings, the lottery game information for notice to players supplied to lottery retailers by the lottery must state the date by which tickets must be received by the lottery to be eligible for entry in the final prize drawing.

Subp. 3. Game procedures and player brochures; required information. All instant ticket game procedures adopted by the lottery, and the player brochures for any instant game where tickets may be mailed to the lottery for entry into one or more prize drawings, must state the date by which tickets must be received by the lottery to be eligible for entry in the final prize drawing. That date must be from seven to 30 days after the date on which lottery retailers are to cease selling tickets for that game.

#### 7858.0200 STATEMENT OF ODDS.

In any instant ticket lottery game conducted by the lottery in which a noncash prize may be awarded and the odds are stated on the back of the ticket, the statement of odds on the ticket must provide a statement of:

A. the odds of winning a cash prize expressly indicating that the odds are those for winning a cash prize;

B. the overall odds of winning a cash prize or a noncash prize associated with the game and a statement expressly indicating that those are the odds stated for winning a cash or noncash prize; or

C. the odds of winning a cash prize and a statement of the overall odds of winning a prize associated with the game, expressly indicating that the odds are those for winning a cash prize, and expressly indicating the overall odds of winning a prize.

**REPEALER.** Minnesota Rules, part 7856.1000, subpart 5, is repealed.

## Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

## Department of Commerce

### Adopted Permanent Rules Relating to Liquor Liability Assigned Risk Rates

The rules proposed and published at *State Register*, Volume 17, Number 34, pages 2037-2040, February 22, 1993 (17 SR 2037), are adopted as proposed.

## Department of Veterans Affairs

### Adopted Permanent Rules Relating to Soldiers Assistance Fund

The rules proposed and published at *State Register*, Volume 17, Number 37, pages 2203-2206, March 15, 1993 (17 SR 2203), are adopted with the following modifications:

#### Rules as Adopted

#### **9055.0030 STATE SOLDIERS ASSISTANCE FUND; AMOUNT OF ASSISTANCE GRANTED; HOW CALCULATED.**

Subp. 7. **Written recommendation of county veteran's service officer.** If immediate financial assistance is required to assist an eligible veteran or an eligible veteran's dependents and a statement of the applicant's qualifying medical disability cannot be furnished in a timely manner with the application, the department may authorize a single 30-day subsistence grant to the eligible veteran or eligible veteran's dependents, based on the written recommendation of a Minnesota county veteran's service officer.

The statement of the applicant's qualifying disability must be forwarded to the department as soon as possible, but in no instance later than 30 days after the date of the application.

Continued assistance beyond the initial 30-day period of assistance based on the recommendation of a Minnesota county veteran's service officer requires a completed application as outlined in part ~~9055.0060~~ 9055.0055. The application will be completed by the county veteran's service officer.

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## Board of Water and Soil Resources

### Adopted Permanent Rules Relating to Wetland Conservation

The rules proposed and published at *State Register*, Volume 17, Number 18, pages 976-1016, November 2, 1992 (17 SR 976), are adopted with the following modifications:

#### Rules as Adopted

##### 8420.0100 PURPOSE.

This chapter implements the Wetland Conservation Act of 1991, *Laws of Minnesota 1991*, chapter 354, as amended by *Laws 1993*, chapter 175. This chapter shall be interpreted to implement the purpose of the act, which is to:

##### 8420.0105 SCOPE.

After the effective date of this chapter, wetlands must not be drained or filled wholly or partially unless replaced by restoring or creating wetland areas of at least equal public value, except that a local government unit may elect to operate under Article 7 of the act, *Minnesota Statutes*, section 103G.2369, after July 1, 1993, but not beyond December 31, 1993.

This chapter does not prevent the use of the bed of wetlands for pasture or cropland during dry periods if dikes, ditches, tile lines, or buildings are not constructed and the agricultural use does not result in the drainage of the wetlands. This chapter does not prevent filling a wetland to accommodate wheeled booms on irrigation devices if the fill does not impede normal drainage. This chapter does not prevent control of noxious weeds if the control does not drain or fill the wetland. This chapter does not prevent excavation in wetlands if done in a manner such that the wetlands are not wholly or partially drained or filled.

This chapter does not apply to the public waters and public waters wetlands as defined in *Minnesota Statutes*, section 103G.005, subdivisions 15 and 18, which have been inventoried by the commissioner according to *Minnesota Statutes*, section 103G.201. This chapter is in addition to other regulations including those of the United States Army Corps of Engineers, United States Department of Agriculture, Minnesota state agencies, watershed districts, and local governments.

This chapter does not apply to peat mining as defined in *Minnesota Statutes*, section 93.461, which is subject to the permit to mine and reclamation requirements of *Minnesota Statutes*, sections 93.44 to 93.51, and the rules of the commissioner adopted under those sections.

This chapter does not require state agencies to obtain local government unit approvals. However, state agencies shall coordinate with local government units when conducting activities in wetlands within the jurisdiction of the local government unit. The state agencies shall follow the same sequencing and replacement requirements as prescribed by this chapter.

In addition to the provisions of this chapter, governmental decisions on draining and filling of wetlands are subject to *Minnesota Statutes*, chapters 116B and 116D, which provide that an action which is likely to have material adverse effects on natural resources must not be allowed if there is a feasible and prudent alternative consistent with the requirements of the public health, safety, and welfare and the state's paramount concern for the protection of its natural resources. Economic considerations alone do not justify adversely effective actions.

##### 8420.0110 DEFINITIONS.

Subp. 2. **Act.** "Act," when not used in reference to a specific state or federal act, means the Wetland Conservation Act of 1991, *Laws 1991*, chapter 354, as amended by *Laws 1993*, chapter 175.

Subp. 4. **Agricultural land.** "Agricultural land," for use in part 8420.0120, subparts 7 and 8, means land devoted to the production of horticultural, row, close grown, introduced pasture, introduced hayland crops, and growing nursery stock.

For use in ~~determining replacement ratios~~ all other places in this chapter, agricultural land means land devoted to the production of horticultural, row, close grown, introduced pasture, and introduced hayland crops, and to the pasturing of livestock and dairy animals, growing nursery ~~stock~~ stocks, and animal feedlots, and shall include contiguous land and buildings under the same ownership associated with the production of the above, for example, farmyards.

Subp. 5. **Agricultural Stabilization and Conservation Service or ASCS.** "Agricultural Stabilization and Conservation Service" or "ASCS" means an agency of the United States Department of Agriculture.

Subp. 7. **Best management practices.** "Best management practices" means state-approved ~~construction~~ and published practices associated with draining, filling, or replacing wetlands that are capable of preventing and minimizing degradation of surface water and groundwater.

Subp. 18. **Fill.** "Fill" means any solid material added to or redeposited in a wetland that would alter its cross-section or hydrological characteristics, obstruct flow patterns, change the wetland boundary, or convert the wetland to a nonwetland. It does not include posts and pilings for linear projects such as bridges, elevated walkways, or powerline structures, or structures traditionally built on pilings

such as docks and boathouses. It does include posts and pilings that result in bringing the wetland into a nonaquatic use or significantly altering the wetland's functions and values, such as the construction of office and industrial developments, parking structures, restaurants, stores, hotels, multifamily housing projects, and similar structures. It does not include slash or woody vegetation, if the slash or woody vegetation originated from vegetation growing in the wetland and does not impair the flow or circulation of water or the reach of the wetland.

Subp. 26. **Introduced hayland.** "Introduced hayland" means an area devoted to the production of forage and cultivated in a rotation of row crops or small grains or interseeded with introduced or native species at least ~~once~~ twice during the ~~20-year~~ ten-year period before January 1, 1991. The ten-year period may be enlarged to the 20-year period before January 1, 1991, upon clear evidence of the qualifying practice in Agricultural Stabilization and Conservation Service or other aerial photographs or records, or the affidavit of a plant ecologist certified by the Ecological Society of America. These areas must be harvested by mechanical methods at least two years during the period January 1, ~~1984~~ 1986 to January 1, 1991. These areas are considered to be in agricultural crop production.

Subp. 27. **Introduced pasture.** "Introduced pasture" means an area devoted to the production of forage and cultivated in a rotation of row crops or small grains or interseeded with introduced species at least ~~once~~ twice during the ~~20-year~~ ten-year period before January 1, 1991. The ten-year period may be enlarged to the 20-year period before January 1, 1991, upon clear evidence of the qualifying practice in ASCS or other aerial photographs or records, or the affidavit of a plant ecologist certified by the Ecological Society of America. These areas must be harvested by grazing at least two years during the period January 1, ~~1984~~ 1986 to January 1, 1991. These areas are considered to be in agricultural crop production.

Subp. 30. **Local government unit.** "Local government unit" means:

A. outside of the seven-county metropolitan area, a city council or county board of commissioners or their delegate;

B. in the seven-county metropolitan area, a city council, town board, or watershed management organization under *Minnesota Statutes*, section 103B.205, subdivision 13, or their delegate; and

Subp. 38. **Public value of wetlands.** "Public value of wetlands" means the public benefit and use of wetlands for water quality, floodwater retention, public recreation, commercial uses, and other public uses.

Subp. ~~38-~~ 39. **Public waters wetlands.** "Public waters wetlands" means all types 3, 4, and 5 wetlands, as defined in United States Fish and Wildlife Service Circular No. 39 (1971 edition), that were inventoried by the department as public waters under *Minnesota Statutes*, section 103G.201.

Subp. ~~39-~~ 40. **Replacement wetland.** "Replacement wetland" means a wetland restored or created to replace public values lost at an impacted wetland.

Subp. ~~40-~~ 41. **Restoration.** "Restoration" means reestablishment of an area that was historically wetlands but currently provides no or minimal wetland functions due to manmade alteration such as filling or drainage.

Subp. ~~41-~~ 42. **Right-of-way acreage.** "Right-of-way acreage" has the meaning given it in *Minnesota Statutes*, section 103E.285, subdivision 6.

Subp. ~~42-~~ 43. **Riverine wetland.** "Riverine wetland" means a wetland contained within the banks of a channel that may contain moving water or that forms a connecting link between two bodies of standing water.

Subp. ~~43-~~ 44. **Set aside.** "Set aside" means the cropland acreage annually retired as a condition to landowner participation in United States Department of Agriculture commodity programs.

Subp. ~~44-~~ 45. **Silviculture.** "Silviculture" means the scientific management of forest trees.

Subp. ~~45-~~ 46. **Soil and water conservation district.** "Soil and water conservation district" means a legal subdivision of state government under *Minnesota Statutes*, chapter 103C.

Subp. ~~46-~~ 47. **Soil Conservation Service.** "Soil Conservation Service" means an agency of the United States Department of Agriculture.

Subp. ~~47-~~ 48. **Tributary wetland.** "Tributary wetland" means a wetland with a well defined outlet, including tile systems, ditches, or natural watercourses, but without a well defined inlet.

Subp. ~~48-~~ 49. **Utility.** "Utility" means a sanitary sewer, storm sewer, potable water distribution, and transmission, distribution, or furnishing, at wholesale or retail, of natural or manufactured gas, electricity, telephone, or radio service or communications.

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Subp. 49- 50. **Watershed.** "Watershed" means the 81 major watershed units delineated by the map "State of Minnesota Watershed Boundaries—1979" as produced by the Minnesota Department of Natural Resources, Office of Planning and Research, Water Policy Planning Program, with funding from the Legislative Commission on Minnesota Resources.

Subp. 50- 51. **Watershed management organization.** "Watershed management organization" means a watershed district wholly within the metropolitan area or a joint powers entity established wholly or partly within the metropolitan area by special law or by agreement that performs some or all of the functions of a watershed district for a watershed and that has the characteristics and the authority specified under *Minnesota Statutes*, section 103B.211. Lake improvement or conservation districts are not watershed management organizations.

Subp. 51- 52. **Wetlands, a wetland, the wetland, or wetland area.**

Subp. 52- 53. **Wetlands in a cultivated field.** "Wetlands in a cultivated field" means a wetland where greater than 50 percent of its boundary abuts land that was in agricultural crop production in six of the ten years before January 1, 1991.

Subp. 53- 54. **Wetlands located on agricultural land.** "Wetlands located on agricultural land" means a wetland where greater than 50 percent of its boundary abuts agricultural land ~~that was in agricultural crop production in six of the ten years before January 1, 1991.~~

### 8420.0112 INCORPORATION BY REFERENCE.

This rule incorporates by reference the following documents:

United States Fish and Wildlife Service Circular No. 39 (1971 edition).

Federal Manual for Identifying and Delineating Jurisdictional Wetlands (January 1989).

Cowardin, et al. 1979, *Classification of Wetlands and Deepwater Habitats of the United States*.

Criteria and Guidelines for Assessing Geologic Sensitivity of Groundwater Resources in Minnesota (Minnesota Department of Natural Resources, 1991).

United States Geological Survey Hydrologic Unit Map for Minnesota.

Minnesota Wetland Evaluation Methodology.

State of Minnesota Watershed Boundaries—1979 (a map).

National Wetland Inventory maps (United States Fish and Wildlife Service).

Anderson and Craig, 1984, Distribution of Remaining Acreage of Presettlement Wetlands in Minnesota Growing Energy Crops on Minnesota Wetlands: The Land Use Perspective.

These documents are available through the Minitex interlibrary loan system, except the National Wetland Inventory maps, which are available at Minnesota soil and water conservation district offices. None of the documents are subject to frequent change.

### 8420.0115 SCOPE OF EXEMPTION STANDARDS.

When considering if a drain or fill activity qualifies for an exemption listed in a specified clause of *Minnesota Statutes*, section 103G.2241, subdivision 1, the exemption standards in part 8420.0120 apply.

An activity is exempt if it qualifies for any one of the exemptions, even though it may be indicated as not exempt under another exemption.

These exemptions do not apply to calcareous fens as identified by the commissioner.

No exemptions apply to wetlands that have been previously restored or created as a result of an approved replacement plan. All such wetlands are subject to replacement on subsequent drainage or filling.

In cases where drain or fill activities convert only a portion of a nonexempt wetland to nonwetland Nonexempt wetlands cannot be partially drained or filled in order to claim an exemption or no-loss determination on the remainder. Therefore, no exemptions or no-loss determinations can be applied to the remaining wetland that would not have been applicable before the impact.

Present and future owners of wetlands drained or filled without replacement under an exemption in part 8420.0120, subparts 1, 2, 4, 7, 8, and 23, can make no use of the wetland area after it is drained or filled, other than as agricultural land, for ten years after the draining or filling, unless it is first replaced under the requirements of *Minnesota Statutes*, section 103G.222, paragraph (g). Also, for ten years the wetland may not be restored for replacement credit. At the time of draining or filling, the landowner shall record a notice of these restrictions in the office of the county recorder for the county in which the project is located. At a minimum, the recorded document must contain the name or names of the landowners, a legal description of the property to which the restrictions apply, a statement of the restrictions, the date on which the ten-year period expires, the name of the local government which certified the exemption, if such occurred, the signatures of all owners, and an acknowledgment.

A person conducting an activity in a wetland under an exemption in part 8420.0120 shall ensure that:

**8420.0120 EXEMPTION STANDARDS.**

Subpart 1. **Exemption (1).** A replacement plan for wetlands is not required for:

(1) activities in a wetland that was planted with annually seeded crops, was in a crop rotation seeding of pasture grasses or legumes, or was required to be set aside to receive price support or other payments under *United States Code*, title 7, sections 1421 to 1469, in six of the last ten years prior to January 1, 1991.

Documentation, such as Agricultural Stabilization and Conservation Service aerial photographs, Agricultural Stabilization and Conservation Service form 578 or equivalent, United States Department of Agriculture records, or affidavit of landowner must be required by the local government unit to show and use as evidence for this exemption.

Set aside land used for this exemption must be wetland types 1 and 2.

~~Present and future owners can make no use of the wetland area after it is altered, other than as agricultural land for ten years, unless it is first replaced under the requirements of *Minnesota Statutes*, section 103G.222, paragraph (g). If the local government unit approves an exemption, the landowner must execute and the local government unit must record a notice of this restriction if the wetland is in a city.~~

Subp. 2. **Exemption (2).** A replacement plan for wetlands is not required for:

(2) activities in a wetland that is or has been enrolled in the federal conservation reserve program under *United States Code*, title 16, section 3831, that:

(i) was planted with annually seeded crops, was in a crop rotation seeding, or was required to be set aside to receive price support or payment under *United States Code*, title 7, sections 1421 to 1469, in six of the last ten years prior to being enrolled in the program; and

(ii) has not been restored with assistance from a public or private wetland restoration program.

~~Present and future owners can make no use of the wetland area after it is altered, other than as agricultural land for ten years, unless it is first replaced under the requirements of *Minnesota Statutes*, section 103G.222, paragraph (g). If the local government unit approves an exemption, the landowner must execute and the local government unit must record a notice of this restriction if the wetland is in a city.~~

Federal documentation that the wetland is or has been enrolled in the federal conservation reserve program may be used as evidence for the exemption. The landowner must also meet the same requirements of subpart 2 for the exemption stated in *Minnesota Statutes*, section 103G.2241, subdivision 1, clause (1), except that the years required are at least six of the ten years preceding the year of enrollment in the conservation reserve program. The landowner must also state in writing that the wetland was not restored with assistance from a public or private wetland restoration fund, or that the restoration was done under a contract or easement providing the landowner with the right to drain the restored wetland.

Subp. 3. **Exemption (3).** A replacement plan for wetlands is not required for:

(3) activities necessary to repair and maintain existing public or private drainage systems as long as wetlands that have been in existence for more than 20 years are not drained.

This exemption allows maintenance which fills wetlands that have been in existence for more than 20 years when the wetlands are located within the right-of-way acreage of the ditch or within a one rod width on either side of the top of the ditch, whichever is greater, and the filling is limited to the side casting of spoil materials resulting from the maintenance and the spoil deposition area is permanently seeded into grass after maintenance activities are completed.

The owner must provide documentation that the wetlands which will be partially or completely drained by the maintenance have not existed for more than 20 years.

Aerial photographs from two years of normal or wetter than normal water level conditions showing no wetland are one form of acceptable documentation. If aerial photographs are unavailable, a sworn affidavit may be submitted. Otherwise, the landowner must show that the maintenance will not reduce the wetland from what it was 20 years ago or more.

This exemption includes lowering the elevation of previously placed tile when made necessary by land subsidence provided the lowering does not drain wetlands.

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Subp. 4. **Exemption (4).** A replacement plan for wetlands is not required for:

(4) activities in a wetland that has received a commenced drainage determination provided for by the federal Food Security Act of 1985, that was made to the county agricultural stabilization and conservation service office prior to September 19, 1988, and a ruling and any subsequent appeals or reviews have determined that drainage of the wetland had been commenced prior to December 23, 1985.

The landowner must provide Agricultural Stabilization and Conservation Service documents confirming that the county agricultural stabilization and conservation service office determined before September 19, 1988, that drainage had begun before December 23, 1985, and that the determination has not been overturned by subsequent appeal or review and is not currently under administrative review.

~~Present and future owners can make no use of the wetland area after it is altered, other than as agricultural land for ten years, unless it is first replaced under *Minnesota Statutes*, section 103G.222, paragraph (g). If the local government unit approves an exemption, the landowner must execute and the local government unit must record a notice of this restriction if the wetland is in a city.~~

Subp. 5. **Exemption (5).** A replacement plan for wetlands is not required for:

(5) activities exempted from federal regulation under *United States Code*, title 33, section 1344(f).

The local government unit may certify the exemption only if the landowner furnishes proof of qualification for one of the exemptions from the United States Army Corps of Engineers.

This exemption does not apply when the activity is part of an activity to a project with the purpose of converting a wetland to a nonwetland, either immediately or gradually, or converting the wetland to another use, or when the fill will result in significant discernible change to the flow or circulation of water in the wetland, or partly draining it, or reducing the wetland area.

Subp. 7. **Exemption (7).** A replacement plan for wetlands is not required for:

(7) activities in a type 1 wetland on agricultural land, as defined in United States Fish and Wildlife Circular No. 39 (1971 edition) except for bottomland hardwood type 1 wetlands.

The landowner must provide the same proofs required by the first paragraph of subpart 1, for lands abutting at least 50 percent of the wetland's boundary. The local government unit may seek the advice of the technical panel as to whether the wetland is a type 1 wetland not of the bottomland hardwood type.

~~Present and future owners can make no use of the wetland area after it is altered, other than as agricultural land for ten years, unless it is first replaced under the requirements of *Minnesota Statutes*, section 103G.222, paragraph (g). If the local government unit approves an exemption, the landowner must execute and the local government unit must record a notice of this restriction if the wetland is in a city.~~

The type of the wetland must be determined according to United States Fish and Wildlife Service Circular No. 39 (1971 edition). Alternatively, the type of the wetland can be determined from the Cowardin (et al. 1979) classification shown on the National Wetland Inventory map system: PEM1A, PEMA, PEMJ, and PEM1J may be considered to be a type 1 wetland.

This exemption applies if the wetland is all type 1 wetland, or is a combination of types 1 and 2 wetlands, on agricultural land, and the type 2 wetland area is less than two acres.

Subp. 8. **Exemption (8).** A replacement plan for wetlands is not required for:

(8) activities in a type 2 wetland that is two acres in size or less located on agricultural land.

The landowner must provide the same material as required from the landowner by subpart 7. The local government unit may seek the advice of the technical panel as to whether the wetland is a type 2 wetland, two acres or less in size.

The wetland size is the area within its boundary. The boundary must be determined according to the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands" (January 1989). The type of the wetland must be determined according to United State Fish and Wildlife Service Circular No. 39 (1971 edition). Alternatively, type can be determined from the Cowardin (et al. 1979) classification shown on the National Wetland Inventory map system: PEM1B and PEMB may be considered to be a type 2 wetland.

~~Present and future owners can make no use of the wetland area after it is altered, other than as agricultural land for ten years, unless it is first replaced under the requirements of *Minnesota Statutes*, section 103G.222, paragraph (g). If the local government unit approves an exemption, the landowner must execute and the local government unit must record a notice of this restriction if the wetland is in a city.~~

This exemption applies if the wetland is a type 2 wetland, or is a combination of types 1 and 2 wetlands, on agricultural land, and the type 2 wetland area is less than two acres.

Subp. 11. **Exemption (11).** A replacement plan for wetlands is not required for:

(11) placement, maintenance, repair, enhancement, or replacement of utility or utility-type service, including the transmission, distribution, or furnishing, at wholesale or retail, of natural or manufactured gas, electricity, telephone, or radio service or communications if:

(ii) the proposed project significantly modifies or alters less than one-half acre of wetlands.

For new ~~replacement~~ placement and enhancement of existing facilities, the utility must demonstrate that the character and extent of the impacts of the proposed project on the wetlands have been minimized and that the entire project will, cumulatively, drain or fill less than one-half acre of wetland.

For maintenance, repair, and replacement, the local government unit may issue a seasonal or annual exemption certification or the utility may proceed without local government unit certification if it is carrying out the work according to best management practices. Work of an emergency nature may proceed as necessary and any drain or fill activities shall be addressed with the local government unit after the emergency work has been completed.

Subp. 13. **Exemption (13).** A replacement plan for wetlands is not required for:

(13) alteration of a wetland associated with the operation, maintenance, or repair of an interstate pipeline within all existing or acquired interstate pipeline rights-of-way.

This exemption includes construction activities.

Subp. 15. **Exemption (15).** A replacement plan for wetlands is not required for:

(15) permanent access for forest roads across wetlands so long as the activity limits the impact on the hydrologic and biologic characteristics of the wetland; the construction activities do not result in the access becoming a dike, drainage ditch or tile line; with filling avoided wherever possible; and there is no drainage of the wetland or public waters.

This exemption is the same as the exemption in subpart 14, except that it is for permanent forest roads.

~~This exemption is for~~ which are roads constructed for the primary purpose of providing access for the conduct of silvicultural activities.

Subp. 16. **Exemption (16).** A replacement plan for wetlands is not required for:

(16) activities associated with routine maintenance or repair of existing public highways, roads, streets, and bridges, provided the activities do not result in additional intrusion into the wetland ~~and do not result in the draining or filling, wholly or partially, of a wetland~~ outside of the existing right-of-way.

This exemption does not prevent repairing washouts or adding material to the driving surface provided the road's occupancy of the wetland outside of the existing right-of-way does not increase.

Subp. 20. **Exemption (20).** A replacement plan for wetlands is not required for:

(20) aquaculture activities, ~~except building or altering of docks and activities involving the draining or filling, wholly or partially, of a wetland~~ including pond excavation and associated access roads and dikes authorized under, and conducted in accordance with, a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, but not including buildings.

Subp. 23. **Exemption (23).** A replacement plan for wetlands is not required for:

(23) activities in a wetland that is on agricultural land annually enrolled in the federal Food, Agricultural, Conservation, and Trade Act of 1990, *United States Code*, title 16, section 3821, subsection (a), clauses (1) to (3), as amended, and is subject to sections 1421 to 1424 of the federal act in effect on January 1, 1991, except that land enrolled in a federal farm program is eligible for easement participation for those acres not already compensated under a federal program.

Documentation such as a written statement from the local Agricultural Stabilization and Conservation Service office that the proposed activity would not result in loss of eligibility for benefits under the farm program may be used as evidence for this exemption. If the activity would result in loss of eligibility, the landowner cannot qualify for the exemption by withdrawing from the program.

~~Present and future owners can make no use of the wetland area after it is altered, other than as agricultural land for ten years, unless it is first replaced under the requirements of Minnesota Statutes, section 103G.222, paragraph (g).~~ If the local government unit

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approves an exemption, the landowner must execute and the local government unit must record a notice of this restriction if the wetland is in a city.

Subp. 25. Exemption (25). A replacement plan for wetlands is not required for:

(25) activities that result in the draining or filling of less than 400 square feet of wetlands.

This exemption applies if the total wetland loss by draining and filling will be less than 400 square feet per year per landowner, and the cumulative impact by all persons on a wetland over time without replacement after January 1, 1992, does not exceed five percent of the wetland's area.

### 8420.0210 EXEMPTION DETERMINATIONS.

A landowner intending to drain or fill a wetland without replacement, claiming exemption under part 8420.0120, may contact the local government unit before beginning draining or filling activities for determination whether or not the activity is exempt. A landowner who does not request a determination may be subject to the enforcement provisions in part 8420.0290 and *Minnesota Statutes*, section 103G.2372. The local government unit must keep on file all documentation and findings of fact concerning exemption determinations for a period of ten years.

Local government units may offer exemption certificates as part of the wetland program within their jurisdiction. An exemption applies whether or not the local government unit chooses to issue certificates of exemption. If the wetland qualifies for an exemption, and the landowner requests a certificate of exemption, then the local government unit must issue one.

The landowner applying for exemption is responsible for submitting the proof necessary to show qualification for the particular exemption claimed.

The local government unit may place the decision authority for exemption applications with the zoning administrator, or establish other procedures it considers appropriate.

The local government unit decision shall be based on the exemptions standards in part 8420.0120. If the decision requires a finding of wetland size or type, the local government unit should seek the advice of the technical panel as described in part 8420.0240.

A landowner draining or filling a wetland under an exemption shall ensure that appropriate erosion control measures are taken to prevent sedimentation of the water, the drain or fill does not block fish passage, and the drain or fill is conducted in compliance with all other applicable federal, state, and local requirements, including best management practices and water resource protection requirements established under *Minnesota Statutes*, chapter 103H.

### 8420.0220 NO-LOSS DETERMINATIONS.

A landowner unsure if proposed work will result in a loss of wetland may apply to the local government unit for a determination. A landowner who does not request a determination may be subject to the enforcement provisions in part 8420.0290 and *Minnesota Statutes*, section 103G.2372. The local government unit must keep on file all documentation and findings of fact concerning no-loss determinations for a period of ten years.

The landowner applying for a no-loss determination is responsible for submitting the proof necessary to show qualification for the claim.

The local government unit may place the decision authority for no-loss applications with the zoning administrator, or establish other procedures it considers appropriate.

The local government unit shall issue a no-loss certificate if the landowner requests and if either:

C. the activities are in a surface impoundment for containment of fossil fuel combustion waste or water retention, and are not part of a compensatory wetland mitigation program; or

D. the activity is being conducted as part of an approved replacement plan or is conducted or authorized by public agencies for the purpose of wetland restoration and the activity is restricted to placing fill in a previously excavated drainage system to restore a wetland to its original condition; or

~~E. the draining or filling will be minimal and not warrant replacement. This item is applicable if the total wetland loss will be less than 400 square feet per year per landowner, and the cumulative impact on a wetland over time without replacement after January 1, 1992, of draining and filling by all persons does not exceed five percent of the wetland's area.~~

### 8420.0230 REPLACEMENT PLAN DETERMINATIONS.

A landowner intending to drain or fill a wetland who does not qualify for an exemption or no-loss determination shall obtain approval of a replacement plan from the local government unit before beginning draining or filling. A person who does not do so is subject to the enforcement provisions in this chapter and *Minnesota Statutes*, section 103G.2372.

The local government unit may use its usual notice and comment procedures on the application for approval of a replacement plan

if, within ten days of receipt of the application, the local government unit mails a copy of the application and an invitation to submit comments to the board, which will publish it in the Environmental Quality Board Monitor; members of the public who have requested a copy; the soil and water conservation district; the watershed district or water management organization, if there is one; the county board; mayors of cities within the watershed; and the commissioners of agriculture and natural resources. At the same time, the local government unit shall publish notice of the application with an invitation for comment in a general circulation newspaper in the area affected.

The local government unit shall not make its decision before 30 days and not more than 60 days have elapsed from the mailing of notice, publication in the Environmental Quality Board Monitor, when required, or publication in the newspaper, whichever is later. The local government unit decision shall not be effective until 30 days after a copy of the decision has been mailed to the Environmental Quality Board Monitor for publication, when required, and mailed to the same list specified above for notice of the application, and to the applicant. The mailing to the applicant shall be by registered mail and must advise that the decision is not effective for 30 days, and is stayed if it is appealed.

Publication in the Environmental Quality Board Monitor of replacement plan applications and decisions is required, except for the fill activities described in the next paragraph, when the local government unit publishes a general notice in the Environmental Quality Board Monitor that it will not be publishing notice of such individual activities, but will instead provide mailed notice of each project to anyone asking to be put on the local government unit's mailing list for such projects. This notice must be published not less often than once every year. The notice must advise how persons may submit their names and addresses to be put on the mailing list.

Projects eligible for this form of Environmental Quality Board Monitor notice are all those which will fill less than one-tenth acre of wetland; and all those which will fill less than one-quarter acre of wetland, and result from a private road fill or the construction or expansion of a single-family dwelling unit or a farm building when the project cannot be modified so as to avoid the fill.

The local government unit decision shall be based on the replacement standards in parts 8420.0500 to 8420.0630, and on the technical determination of the technical evaluation panel concerning the public values, location, size, and type of the wetland being altered. The local government unit shall consider the recommendation of the technical evaluation panel to approve, modify, or reject the proposed replacement plan.

For wetland replacement plans involving more than one local government unit, approval of all local government units involved or as specified in part 8420.0200 shall constitute final approval of the replacement plan and is required before the project may proceed. The local government unit with jurisdiction for the impact site must approve all components of the replacement plan, following the procedures in parts 8420.0500 to 8420.0630. The local government unit with jurisdiction for the replacement site shall limit the review to evaluation of the replacement site as in parts 8420.0540 to 8420.0630 and make a decision accordingly.

As part of the approval of the replacement plan, the local government unit with jurisdiction for the replacement site assumes responsibility for ensuring compliance with monitoring provisions according to parts 8420.0600 to 8420.0630. The local government unit with jurisdiction for the replacement site may enter into joint powers agreements with a local government unit with jurisdiction for the impact site, assess fees, or develop other procedures considered necessary to facilitate the process.

#### **8420.0240 TECHNICAL EVALUATION PANEL PROCEDURES.**

For each local government unit, there is a technical evaluation panel of three persons: a technical professional employee of the board, a technical professional employee of the soil and water conservation district of the county in which the ~~local government unit is located~~ activity is occurring, and an engineer for a technical professional with expertise in water resources management appointed by the local government unit. ~~The soil and water conservation district~~ One member selected by the local government unit shall act as the contact person and coordinator for the panel. Two members of the panel must be knowledgeable and trained in applying methodologies of the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands" (January 1989), and evaluation of public values. The technical evaluation panel may invite additional wetland experts to help the panel in its work.

The panel shall make technical determinations on questions of public values, location, size, and type for all wetlands for which an application for replacement plan approval has been submitted to plans if requested to do so by the local government unit, the landowner, or a member of the technical evaluation panel. The panel ~~shall~~ may review replacement plans and recommend to the local government unit either approval, approval with changes or conditions, or rejection. The panel shall make no determinations or recommendations without at least one member having made an on-site inspection. Panel determinations and recommendations must be endorsed by at least two of the three members.

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If the local government unit has a comprehensive wetland management plan that delineates location, size, and type for all wetlands, approved by the technical evaluation panel, and subsequently incorporated into local ordinance, then the local government unit can make determinations in place of the technical evaluation panel.

The panel, or one of its members when so authorized by all of the members, may assist the local government unit in making wetland size and type determinations when asked to do so by the local government unit as part of making an exemption or no-loss determination.

If requested by the local government unit, the landowner, or a member of the technical evaluation panel, the panel shall monitor answer technical questions or participate in the monitoring of replacement wetlands as provided in according to parts 8420.0600 to 8420.0630, and shall review and monitor similarly participate in the monitoring of banked wetlands as provided for in according to parts 8420.0700 to 8420.0760.

### **8420.0250 APPEAL OF LOCAL GOVERNMENT UNIT DECISIONS.**

Subpart 1. Appeal of replacement plan decisions. The decision of a local government unit to approve or deny a certificate of exemption or no-loss, or to approve with conditions, or reject a replacement plan, becomes final if not appealed to the board within 30 days after the date on which the decision is mailed to those required to receive notice of the decision.

~~Appeals of decisions arising from provisions of a local ordinance that are more restrictive than these standards, shall be taken to the district court in the same manner as an appeal of a zoning decision.~~

~~Before an exemption or no-loss determination may be appealed to the board, it must first be appealed to the local government unit's board of adjustment and appeals, if there is one, or otherwise to the governing body. If the governing body made the initial decision, the landowner must ask the governing body to reconsider before appealing to the board.~~

Appeal may be made by the landowner, by any of those required to receive notice of the decision, or by 100 residents of the county in which a majority of the wetland is located.

Appeal is effective upon mailing of the notice of appeal to the board with an affidavit that a copy of the notice of appeal has been mailed to the local government unit. The local government unit shall then mail a copy of the notice of the appeal to all those to whom it was required by part 8420.0230 to mail a copy of the notice of decision.

#### Subp. 2. Appeal of exemption and no-loss determinations.

A. An exemption or no-loss determination may be appealed to the board by the landowner after first exhausting all local administrative appeal options.

B. Those required to receive notice of replacement plan decisions as provided for in part 8420.0230 may petition the board to hear an appeal from an exemption or no-loss determination. The board shall grant the petition unless it finds that the appeal is meritless, trivial, or brought solely for the purposes of delay. In determining whether to grant the appeal, the board shall also give consideration to the size of the wetland, other factors in controversy, any patterns of similar acts by the local government unit or landowner or petitioner, and the consequences of the delay.

C. The determination of the local government unit on the exemption or no-loss application is final unless an appeal or petition is mailed to the board within 30 days after the decision is mailed to the landowner. The appeal or petition must be accompanied by an affidavit that a copy has been sent to the local government unit, and to the landowner if it is a petition.

Subp. 3. Board appeal procedures. The appeal will be decided by the board within 60 days after receiving the notice of appeal and affidavit or granting the petition. Parties to the appeal are the appellant, the local government unit, and in the case of replacement plan appeals, all those required to receive notice of the local government unit decision.

Upon appeal, the local government unit shall forward to the board the record on which it based its decision. The board will make its decision on the appeal after hearing. Thirty days' notice of the hearing shall be given by the board to the parties. The parties may present written and oral argument. When the local government unit has made formal findings contemporaneously with its decision and there is an accurate verbatim transcript of the proceedings and the proceedings were fairly conducted, the board will base its review on the record. Otherwise it may take additional evidence, or remand the matter.

The board will affirm the local government unit's decision if the local government unit's findings of fact are not clearly erroneous; if the local government unit correctly applied the law to the facts, including this chapter; and if the local government unit made no procedural errors prejudicial to a party. Otherwise, the board will reverse the decision, amend it, or remand it with instructions for further proceedings.

### **8420.0260 PENALTY FOR LOCAL GOVERNMENT UNIT FAILURE TO APPLY LAW.**

The board shall send copies of this chapter to all local government units at least 60 days before July 1, 1993. By July 1, 1993 January 1, 1994, each local government unit of the state, except tribal lands, shall acknowledge to the board that it is assuming its responsibilities under this chapter and the act. Local government units from which an affirmative response is not received will be given notice by the board that there is a 60-day moratorium in the local government unit's jurisdiction on exemption, no-loss,

replacement plan, and banking determinations. The board will end the moratorium within the 60 days upon agreement by the local government unit that it will assume its duties under this chapter and the act. If at the end of the initial 60-day moratorium an agreement has not been made for the local government unit to apply the law, the board can extend the moratorium until the local government unit agrees to apply the law.

If the board has information that a local government unit is not following this chapter or the act in making exemption, no-loss, replacement plan, or banking determinations, the board shall notify the local government unit of its concerns. If not satisfied with the local government unit's response, the board shall ask the local government unit to appear at a hearing before the board to discuss the matter. ~~After~~ If it is determined at the hearing, that corrective action is necessary, the board shall write the local government unit ~~asking for directing~~ specific corrective action within 60 days. The notice shall explain the reason for the action.

If, after the 60-day period described in this part the local government unit has not corrected the problem to the satisfaction of the board, the board shall take appropriate legal action to ensure compliance.

#### **8420.0290 ENFORCEMENT PROCEDURES.**

Subpart 1. **Enforcing authorities.** The commissioner, conservation officers, and other peace officers ~~issuing authorities~~ may issue cease and desist orders and restoration and replacement orders.

Subp. 2. **Cease and desist orders.** Site-specific cease and desist orders may be issued when the enforcement authority has probable cause that a drain or fill activity is being or has been conducted in a wetland and does not qualify for an exemption or a no-loss determination under parts 8420.0210 and 8420.0220 and is being or has been conducted without prior approval of a replacement plan by a local government unit under part 8420.0230.

A cease and desist order must not be issued if the landowner has a valid certificate of exemption or no-loss from the local government unit, or has evidence to support an exemption. Otherwise:

C. a cease and desist order may be issued with an effective date three weeks from the date of issuance. The enforcement authority shall exercise this option when the enforcement authority cannot readily make a determination on the facts and circumstances to deny a landowner's claim of exemption or no-loss, and continued drain or fill activity would not cause irreparable harm to the wetland.

The enforcement authority shall advise the landowner that the landowner's application, if any, for an exemption or no-loss determination, should be made immediately to the local government unit and that whatever drain and fill work the landowner has done may require restoration according to a restoration plan designed by the soil and water conservation district, if the application for exemption or no-loss determination is denied.

The enforcement authority issuing a cease and desist order shall promptly submit copies to the soil and water conservation district, local government unit, and department.

If an application for an exemption or no-loss determination is triggered by a cease and desist order, the local government unit or the technical evaluation panel shall make a decision within three weeks from the date of the application ~~or sooner if the landowner requests.~~ The local government unit or technical evaluation panel shall review evidence of exemption or no-loss produced by the landowner, inspect the site if necessary, and determine:

### **WETLAND PRESERVATION AREAS**

#### **8420.0400 WETLAND PRESERVATION AREAS.**

Subp. 4. **Applicable statutes.** In addition to this chapter, wetland preservation areas are subject to *Minnesota Statutes*, sections ~~103F.6112~~ 103F.612 to ~~103F.6116~~ 103F.616, and the property tax provisions of *Minnesota Statutes*, section 272.02, subdivision 1, clause (10).

#### **8420.0510 PROCEDURES.**

Subp. 3. **Evaluation.** As provided for in part 8420.0240, technical questions concerning the public value, location, size, ~~or~~ and type of wetland shall be submitted to the technical evaluation panel. The local government unit may use a technical evaluation panel to predetermine public value, location, size, or type of wetlands under its jurisdiction and use this determination in administering the act. Wetland boundaries must be determined using the methodologies in the federal Manual for Identifying and Delineating Jurisdictional Wetlands (January 1989). Wetland type must be identified according to Cowardin, et al., 1979, Classification of Wetlands and Deepwater Habitats of the United States and according to United States Fish and Wildlife Service Circular No. 39 (1971 edition)

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## Adopted Rules

"Wetlands of the United States." The technical evaluation panel shall provide its determinations to the local government unit for consideration.

### 8420.0520 SEQUENCING.

Subpart 1. **Requirement.** Except for wetlands located in cultivated fields that are subject to subpart 8, and calcareous fens that are subject to subpart 9, the local government unit may not consider or approve a wetland replacement plan unless the local government unit finds that the applicant has demonstrated that the activity impacting a wetland has complied with all of the following principles in descending order of priority:

E. ~~compensates for~~ replaces unavoidable impacts to the wetland by ~~replacing~~ restoring or providing creating substitute wetland areas having equal or greater public value as provided for in parts 8420.0530 to 8420.0630.

Subp. 2. **Application options.** An applicant may either submit the information required for sequencing analysis as part of the application for replacement plan approval or apply for a preliminary sequencing determination from the local government unit before preparing a replacement plan. ~~Each half of a split application will receive the same notice and comment procedures as a unitary application. The local government unit may request additional information needed to make a determination. For projects impacting wetland areas less than 0.1 acres the local government unit may provide an on-site sequencing determination without written documentation from the applicant; except for projects which are located in wetlands adjacent to and within 1,000 feet of outstanding resource value waters as defined in chapter 7050; trout streams as designated in Commissioner's Order Number 2294; and trout lakes as designated in Commissioner's Order Number 2230.~~

Subp. 3. **Determination of impact avoidance.**

C. Alternatives analysis:

(2) The local government unit shall determine whether any feasible and prudent alternatives are available that would avoid impacts to wetlands. An alternative shall be considered feasible and prudent if it is capable of being done from an engineering point of view, is in accordance with accepted engineering standards and practices, is consistent with reasonable requirements of the public health, safety, and welfare, is an environmentally preferable alternative based on a review of social, economic, and environmental impacts, and would create no truly unusual problems. The local government unit shall consider the following in evaluating alternatives as applicable:

(a) whether the basic project purpose can be reasonably accomplished using one or more other sites in the same general area that would avoid wetland impacts. An alternate site may not be excluded from consideration only because it includes or requires an area not owned by the applicant that could reasonably be obtained, used, expanded, or managed to fulfill the basic purpose of the proposed project;

Subp. 7. **Unavoidable impacts.** Unavoidable wetland impacts that remain after efforts to minimize, rectify, or reduce or eliminate them must be ~~compensated for~~ replaced according to parts 8420.0530 to 8420.0630.

Subp. 8. **Wetlands on cultivated fields.** If the wetland is located on a cultivated field, replacement must be accomplished through restoration without regard to the priority order in subpart 1, ~~provided that a deed restriction in favor of the local government unit is made part of the approved wetland replacement plan and is placed on the altered wetland prohibiting. A wetland drained or filled under this provision must not be converted to nonagricultural use land for at least ten years. The landowner must execute and record a notice of this requirement in the office of the county recorder for the county in which the property is located.~~

Subp. 9. **Calcareous fens.** Calcareous fens, as identified by the commissioner, may not be filled, drained, or otherwise degraded, wholly or partially, by any ~~activity action~~, unless the commissioner, under an approved management plan, decides some alteration is necessary, as provided in part 8420.1010.

### 8420.0530 REPLACEMENT PLAN COMPONENTS.

On an application form provided by the local government unit, and with needed attachments supplied by the applicant, the following documentation must be provided, except that for replacement plans utilizing the wetland bank in parts 8420.0700 to 8420.0760, items B and D do not apply; instead the applicant shall submit the credit transfer form prescribed in part 8420.0740, subpart 2, item E:

C. for the impacted wetland:

(1) a recent aerial photograph or accurate map of the impacted wetland area;

(2) the location of the wetland, including the county, ~~department~~ watershed name or number, legal description, and Universal Transverse Mercator public land survey coordinate of approximate wetland center;

(3) the size of the wetland, in acres or square feet, ~~as measured from aerial photography or legal survey~~;

(5) a list of the dominant vegetation in the impacted wetland area, including general common names of the vegetation exceeding 20 percent coverage and an estimate of coverage, for example, 50 percent Salix willow, 20 percent Typha cattails, and 30 percent Carex sedge;

(9) a map ~~or~~, photograph, or written description of the land use of the immediate watershed within one mile of the impacted wetland. ~~Land use categories to be used include: residential; industrial; commercial; tillable cropland; permanent pasture; livestock facilities; for example, feedlots; idle grassland; timber, wetlands, and public natural resource lands.~~ The surrounding land use information shall also indicate the presence and location, if any, of wetland preservation regions and areas, wetland development avoidance regions and areas, and wetland deficient regions and areas as identified in the comprehensive water plan;

(11) evidence of ownership or rights to the affected areas, including a legal description. When two or more landowners are involved, including both the impact site and the proposed replacement site, a contract or other evidence of agreement signed by all landowners and notarized must be included with the replacement plan. The contract or agreement must contain an acknowledgment of the covenant provisions in item D, subitem ~~(7)~~ (6), by landowners on which a replacement wetland is proposed and the location and acreage of replacement wetlands. The contract becomes binding upon final approval of the replacement plan;

D. for the replacement wetland, item C, subitems (1) to (9) and (11) to (13), and:

~~(4)~~ for created wetlands only, additional soils information; ~~such as borings of the site~~, sufficient to determine the capability of the site to produce and maintain wetland characteristics;

~~(6)~~ the approximate distance and direction of the replacement wetland location in relation to the impacted wetland;

~~(7)~~ a notice in a form provided by the board attached to and recorded with the deed for lands containing a replacement wetland, specifying the following:

~~(8)~~ (7) a statement that the replacement wetland was not previously restored or created under a prior approved replacement plan;

~~(9)~~ (8) a statement that the replacement wetland was not drained or filled under an exemption during the previous ten years;

~~(10)~~ (9) a statement that the replacement wetland was not restored with financial assistance from public conservation programs;

~~(11)~~ (10) a statement that the replacement wetland was not restored using private funds other than those of the landowner unless the funds are paid back with interest to the individual or organization that funded the restoration and the individual or organization notifies the local government unit in writing that the restored wetland may be considered for replacement;

~~(12)~~ (11) a plan for monitoring the success of the replacement plan in meeting the project goal in subitem (1), and as specified in parts 8420.0610 and 8420.0620; and

~~(13)~~ (12) other information considered necessary for evaluation of the project by the local government unit.

#### **8420.0540 REPLACEMENT PLAN EVALUATION CRITERIA.**

Subp. 2. **Type of replacement.** The order of preference for the method of replacement, from most preferred to least preferred, is project-specific restoration, project-specific creation, then wetland banking. Modification or conversion of nondegraded wetlands from one wetland type to another, for example by impoundment of additional water, does not constitute adequate replacement. Wetlands drained or filled under an exemption may not be restored for replacement credit for ten years after draining or filling.

~~A wetland area converted to another type by impoundment of additional water on nondegraded wetlands does not constitute replacement.~~

Subp. 3. **Timing of replacement.** Replacement of wetland values must be completed before or concurrent with the actual draining or filling of a wetland, unless an irrevocable bank letter of credit or other security acceptable to the responsible government unit ~~must be given~~ is submitted to the responsible government unit ~~until~~ to guarantee successful completion of the replacement. All wetlands to be restored or created for replacement must be designated for replacement before restoration or creation. Submission to the local government unit of the information required in part 8420.0530 and subsequent approval shall be considered evidence of designation for replacement, provided the information is submitted before the actual restoration or creation.

Subp. 6. **Size of replacement wetlands.** Replacement wetlands must be of a size sufficient to ensure that they provide equal or greater public value than the wetland that was drained or filled. Except for counties or watersheds in which 80 percent or more of the presettlement wetland acreage exists, for a wetland located on nonagricultural land, the minimum size of the replacement wetland must be in the ratio of two acres of replaced wetland for each acre of drained or filled wetland. For a wetland located on agricultural land, or in counties or watersheds in which 80 percent or more of the presettlement wetland acreage exists, the minimum size of the

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replacement wetland must be in the ratio of one acre of replaced wetland for each acre of drained or filled wetland. The actual replacement ratios required for a replacement wetland may be more than the minimum, subject to the evaluation of wetland functions and values in subpart 10.

Except for counties or watersheds in which 80 percent or more of the presettlement wetland acreage exists, future owners may make no use of the wetland after it is altered, other than as agricultural land for a period of ten years unless future replacement to achieve a 2:1 ratio occurs. The landowner shall record a notice of this restriction in the office of the county recorder in which the project is located.

Subp. 9. **Special considerations.** The factors in items A to I, when identified as being applicable to an impact site or a replacement site, must be considered by the local government unit in the review of replacement plans.

A. Federal or state-listed endangered species. A replacement plan for activities that involve sites where species listed in parts 6134.0200 to 6134.0400 are known to be present will not be approved if the local government unit determines it is determined that the proposed activities will constitute a taking of those listed species under *Minnesota Statutes*, section 84.0895. Limited information on the presence of listed species at a particular site is available from the department's natural heritage program. Activities that involve taking listed species are subject to *Minnesota Statutes*, section 84.0895.

### Subp. 10. Evaluation of wetland functions and values.

A. Evaluation options. Replacement wetlands must replace the functions and values that are lost from a wetland that is drained or filled. A replacement wetland should replace the same combination of functions and values provided by the impacted wetland. The wetland type index system in items B to D and E uses relative values of wetland functions compared across wetland types to evaluate the adequacy of wetland replacement. The local government unit may allow the evaluation of wetlands by measuring and comparing public values specified in *Minnesota Statutes*, section 103B.3355, with the current version of the Minnesota wetland evaluation methodology or another scientifically accepted methodology in item E G.

B. Wetland types; abbreviated Cowardin classification. For purposes of this part, an abbreviated version of the wetland classification system developed by the United States Fish and Wildlife Service (Cowardin et al. 1979) and used to indicate wetland types on the National Wetland Inventory maps is described in subitems (1) to (18). The United States Fish and Wildlife Service Circular No. 39 (1971 edition) classification is indicated in parentheses.

- (1) "PFA" includes all PFO wetlands in the A and J water regimes (type 1).
- (2) "PFB" includes all PFO wetlands in the B water regime (type 7).
- (3) "PFC" includes all PFO wetlands in the C and wetter water regimes (type 7).
- (4) "PSA" includes all PSS wetlands in the A and J water regimes (type 6).
- (5) "PSB" includes all PSS wetlands in the B water regime, except type PSS3B wetlands (type 6).
- (6) "PSC" includes all PSS wetlands in the C and wetter water regimes (type 6).
- (7) "PSX" includes all PSS3b and PML wetlands (type 8).
- (8) "PEA" includes all PEM wetlands in the A and J water regimes (type 1).
- (9) "PEB" includes all PEM wetlands in the B water regime (type 2).
- (10) "PEC" includes all PEM wetlands in the C water regime (type 3).
- (11) "PEF" includes all PEM wetlands in the F and wetter water regimes (type 4).
- (12) "PA" includes all PAB wetlands (type 5).
- (13) "PU" includes all PUB wetlands (type 5).
- (14) "L1" includes all L1 wetlands (Lacustrine Limnetic) (type 5).
- (15) "L2" includes all L2 wetlands (Lacustrine Littoral) (type 5).
- (16) "R2" includes all R2 wetlands (Riverine—Lower Perennial) (no equivalent).
- (17) "R3" includes all R3 wetlands (Riverine—Upper Perennial) (no equivalent).
- (18) "R4" includes all R4 wetlands (Riverine—Intermittent) (no equivalent).

B. Wetland types; wetlands classification equivalency chart. For purposes of this part, the following table serves as a key for using Table 2 (part 8420.0540, subpart 10, item D, subitem (1)) and Table 4 (part 8420.0550, subpart 3) and as a wetland classification equivalency chart for the wetland classification developed by the United States Fish and Wildlife Service (Cowardin et al. 1979), and the approximate wetland type from the United States Fish and Wildlife Service Circular No. 39 (1971 edition).

Table 1. Wetland Classification Equivalency Chart.

<u>Cowardin System</u> <u>Class or Subsystem</u> <u>and Water Regime</u>	<u>Table 2 and 4 Row</u> <u>and Column Headings</u>	<u>Approximate</u> <u>Circular 39 Type</u>
<u>PEMA</u>	<u>PEA</u>	<u>1</u>
<u>PEMB</u>	<u>PEB</u>	<u>2</u>
<u>PEMC</u>	<u>PEC</u>	<u>3</u>
<u>PEMD</u>	<u>PEC</u>	<u>3</u>
<u>PEME</u>	<u>PEC</u>	<u>3</u>
<u>PEMF</u>	<u>PEF</u>	<u>4</u>
<u>PEMG</u>	<u>PEF</u>	<u>4</u>
<u>PEMH</u>	<u>PEF</u>	<u>4</u>
<u>PEMJ</u>	<u>PEA</u>	<u>1</u>
<u>PEMK</u>	<u>PEF</u>	<u>4</u>
<u>PEMW</u>	<u>PEA</u>	<u>1</u>
<u>PEMY</u>	<u>PEB</u>	<u>2</u>
<u>PEMZ</u>	<u>PEF</u>	<u>4</u>
<u>PEMU</u>	<u>PEF</u>	<u>4</u>
<u>PSSA</u>	<u>PSA</u>	<u>6</u>
<u>PSSB (except PSS3B)</u>	<u>PSB</u>	<u>6</u>
<u>PSS3B</u>	<u>PSX</u>	<u>8</u>
<u>PSSC</u>	<u>PSC</u>	<u>6</u>
<u>PSSD</u>	<u>PSC</u>	<u>6</u>
<u>PSS E</u>	<u>PSC</u>	<u>6</u>
<u>PSSF</u>	<u>PSC</u>	<u>6</u>
<u>PSSG</u>	<u>PSC</u>	<u>6</u>
<u>PSSH</u>	<u>PSC</u>	<u>6</u>
<u>PSSJ</u>	<u>PSA</u>	<u>6</u>
<u>PSSK</u>	<u>PSC</u>	<u>6</u>
<u>PSSW</u>	<u>PSA</u>	<u>6</u>
<u>PSSY</u>	<u>PSB</u>	<u>6</u>
<u>PSSZ</u>	<u>PSC</u>	<u>6</u>
<u>PSSU</u>	<u>PSC</u>	<u>6</u>
<u>PFOA</u>	<u>PFA</u>	<u>1</u>
<u>PFOB</u>	<u>PFB</u>	<u>7</u>
<u>PFOC</u>	<u>PFC</u>	<u>7</u>
<u>PFOD</u>	<u>PFC</u>	<u>7</u>
<u>PFOE</u>	<u>PFC</u>	<u>7</u>
<u>PFOF</u>	<u>PFC</u>	<u>7</u>
<u>PFOG</u>	<u>PFC</u>	<u>7</u>
<u>PFOH</u>	<u>PFC</u>	<u>7</u>
<u>PFOJ</u>	<u>PFA</u>	<u>1</u>
<u>PFOK</u>	<u>PFC</u>	<u>7</u>
<u>PFOY</u>	<u>PFA</u>	<u>1</u>
<u>PFOZ</u>	<u>PFB</u>	<u>7</u>
<u>PFOU</u>	<u>PFC</u>	<u>7</u>
<u>PML (all)</u>	<u>PSX</u>	<u>8</u>
<u>PAB (all)</u>	<u>PA</u>	<u>5</u>

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<u>Cowardin System Class or Subsystem and Water Regime</u>	<u>Table 2 and 4 Row and Column Headings</u>	<u>Approximate Circular 39 Type</u>
<u>PUB (all)</u>	<u>PU</u>	<u>5</u>
<u>PRB (all)</u>	<u>PU</u>	<u>5</u>
<u>POW (all)</u>	<u>PU</u>	<u>5</u>
<u>PUS (all)</u>	<u>PU</u>	<u>5</u>
<u>L1 (all)</u>	<u>L1</u>	<u>5*</u>
<u>L2 (all)</u>	<u>L2</u>	<u>5</u>
<u>R2 (all)</u>	<u>R2</u>	<u>**</u>
<u>R3 (all)</u>	<u>R3</u>	<u>**</u>
<u>R4 (all)</u>	<u>R4</u>	<u>**</u>

\* Circular No. 39 does not classify deep water as a wetland type, but for purposes of this table, these areas can be approximated as a type 5.

\*\* No equivalent. Circular No. 39 does not address riverine wetlands.

NOTE: In the case of wetland identified using the Cowardin system with both numerator and denominator wetland types, the numerator type is considered the dominant wetland type, with the exception that the denominator wetland type is to be used when the numerator wetland type vegetation is dead.

Table 4, in ~~item D, subitem (4)~~ part 8420.0550, provides technical specifications for constructing wetland types. In evaluating a wetland replacement plan, the local government unit must determine whether the wetland type stated as the replacement plan goal will result from the replacement plan specifications. If a wetland type other than the replacement plan goal is likely to result, the local government unit must evaluate the plan based on this determination.

The local government unit may consider allowing constructed storm water detention basins for replacement credit if the basin conforms to the following specifications:

(b) the downstream cell is designed for a maximum 12-inch bounce rise in water level for a ten-year storm event;

(d) the design goal is a PEM palustrine emergent wetland that meets all statutory definitions of a wetland, for example, soils, hydrology, and vegetation.

Only the downstream cell can be counted for wetland credit, and the replacement plan must include a plan and schedule for maintenance of the storm water basin system. Storm water basins which allowed for replacement are not eligible for the exemption in part 8420.0120, subpart 10, and are subject to parts 8420.0500 to 8420.0630.

Stormwater management basins constructed for the primary purpose of controlling or treating stormwater runoff from impervious surfaces or developed areas, not conforming to the specifications in units (a) to (d), are not considered wetlands. These are therefore exempt from replacement plan requirements when constructed in nonwetlands, and also cannot be considered for credit as part of a replacement plan, regardless of their location.

C. Replacement ratios for in-kind replacement. When wetland functions lost as a result of drainage or filling are replaced by restoring a wetland of the same type and in the same watershed and with the same inlet and outlet characteristics as described in item D, subitem (3), and related definitions, the replacement shall be considered to be in-kind and the minimal replacement ratio shall be used to determine the necessary size of the replacement wetland. For impacted wetlands on agricultural land, or in counties or watersheds in which 80 percent or more of the presettlement wetland acreage exists, the minimal minimum replacement ratio is 1:1, requiring an equal area be replaced for the area impacted. Except for counties or watersheds in which 80 percent or more of the presettlement wetland acreage exists, for impacted wetlands on nonagricultural land, the minimal minimum replacement ratio is 2:1, requiring two times the impacted area be replaced.

D. Out-of-kind replacement ratios. If the wetland functions lost as a result of drainage or filling are to be replaced by creating a wetland or restoring a wetland of a different type than the impacted wetland, or if the replacement wetland is in a watershed other than the impacted wetland or had different inlet and outlet characteristics than the impacted wetland, the replacement shall be considered to be out-of-kind and the local government unit shall use the replacement ratios in this subpart to determine the amount of replacement wetland needed to replace the lost wetland values.

(1) Wetland type ratio. Differences in wetland functions and values among wetland types are to be evaluated and replaced using the wetland type ratio table in this part, to be applied as specified in subitem (5). The wetland type ratio table incorporates an evaluation of public values as specified in *Minnesota Statutes*, section 103B.3355, for the purposes of comparison among wetland types.

If a wetland to be drained or filled exhibits more than one wetland type as determined by the technical evaluation panel, and more than one wetland type is proposed to be drained or filled, the local government unit shall use the following procedure to determine needed replacement. The acreage of each wetland type to be converted to nonwetland shall be determined. The wetland type ratio table shall then be used to determine the amount of replacement wetland for each wetland type. The sum of the replacement for each wetland type shall be the resultant acreage requirement for the wetland type ratio.

Table 4-2. Wetland type ratio values for use in determining wetland replacement ratios for ~~the~~ net out-of-kind replacement.

IMPACTED WETLAND	REPLACEMENT WETLAND																	
	PFA	PFB	PFC	PSA	PSB	PSC	PSX	PEA	PEB	PEC	PEF	PA	PU	L1	L2	R2	R3	R4
PFA	1.0	1.5	1.5	2.0	1.5	2.0	3.0	3.0	1.5	1.0	1.0	1.5	1.5	1.5	1.5	2.0	1.5	2.0
PFB	1.5	1.0	1.0	2.0	1.0	2.0	2.0	2.0	1.0	1.0	1.0	1.5	1.5	1.5	1.5	3.0	1.5	3.0
PFC	1.5	1.5	1.0	2.0	1.0	2.0	2.0	2.0	1.0	1.0	1.0	1.5	1.5	1.5	1.5	3.0	1.5	3.0
PSA	1.5	1.5	1.0	1.0	1.0	1.5	2.0	2.0	1.0	1.0	1.0	1.5	1.5	1.5	1.5	3.0	1.5	3.0
PSB	1.5	1.5	1.0	1.0	1.0	1.5	2.0	2.0	1.0	1.0	1.0	1.5	1.5	1.5	1.5	3.0	1.5	3.0
PSC	1.5	1.5	1.0	1.0	1.0	1.0	2.0	2.0	1.0	1.0	1.0	1.5	1.5	1.5	1.5	2.0	1.5	2.0
PSX	1.0	1.5	1.0	2.0	1.0	2.0	1.0	1.0	1.0	1.0	1.0	1.5	1.5	1.5	1.5	2.0	1.5	2.0
PEA	1.5	1.5	1.0	2.0	1.0	2.0	1.5	1.0	1.0	1.0	1.0	1.5	1.5	1.5	1.5	3.0	1.5	3.0
PEB	1.5	1.5	1.0	2.0	1.0	2.0	2.0	2.0	1.0	1.0	1.0	1.5	1.5	1.5	1.5	3.0	1.5	3.0
PEC	1.5	1.5	1.5	3.0	3.0	3.0	3.0	3.0	1.5	1.0	1.0	1.5	1.5	1.5	1.5	3.0	1.5	3.0
PEF	1.5	1.5	1.5	3.0	3.0	3.0	3.0	3.0	1.5	1.0	1.0	1.5	1.5	1.5	1.5	3.0	1.5	3.0
PA	1.5	1.5	1.5	3.0	3.0	3.0	3.0	3.0	1.5	1.0	1.0	1.0	1.0	1.0	1.5	2.0	1.0	2.0
PU	1.5	1.5	1.5	3.0	3.0	3.0	3.0	3.0	1.5	1.0	1.0	1.0	1.0	1.0	1.5	2.0	1.0	2.0
L1	1.5	1.5	1.5	3.0	3.0	3.0	3.0	3.0	1.5	1.0	1.0	1.0	1.0	1.0	1.5	2.0	1.0	2.0
L2	1.0	1.5	1.5	2.0	1.5	2.0	3.0	3.0	1.5	1.0	1.0	1.0	1.0	1.0	1.0	2.0	1.0	2.0
R2	1.5	1.5	1.5	3.0	3.0	3.0	3.0	3.0	1.5	1.0	1.0	1.0	1.0	1.0	1.5	1.0	1.0	1.5
R3	1.5	1.5	1.5	3.0	3.0	3.0	3.0	3.0	1.5	1.0	1.0	1.0	1.0	1.0	1.5	2.0	1.0	2.0
R4	1.5	1.5	1.5	3.0	3.0	3.0	2.0	2.0	1.5	1.0	1.0	1.0	1.0	1.0	1.5	1.0	1.0	1.0

\*~~Abbreviated~~ Cowardin et al. wetland classification (See text of subpart 10), item B, for wetland classification equivalency.

NOTE: Wetland types L1, L2, and R2 are generally not subject to this chapter and cannot be used for wetland replacement, but are included for ~~illustrative~~ possible future coordination purposes.

(3) Inlet and outlet characteristics ratio. If the inlet and outlet characteristics of a replacement wetland differ from those of the impacted wetland, the following ratios shall be applied, as specified in subitem (5).

The inlet and outlet characteristics ratio does not apply when replacement for impacts within counties or watersheds having 80 percent or more of their presettlement wetland acreage intact is accomplished in counties or watersheds in which 50 percent or more of the presettlement acreage has been drained or filled.

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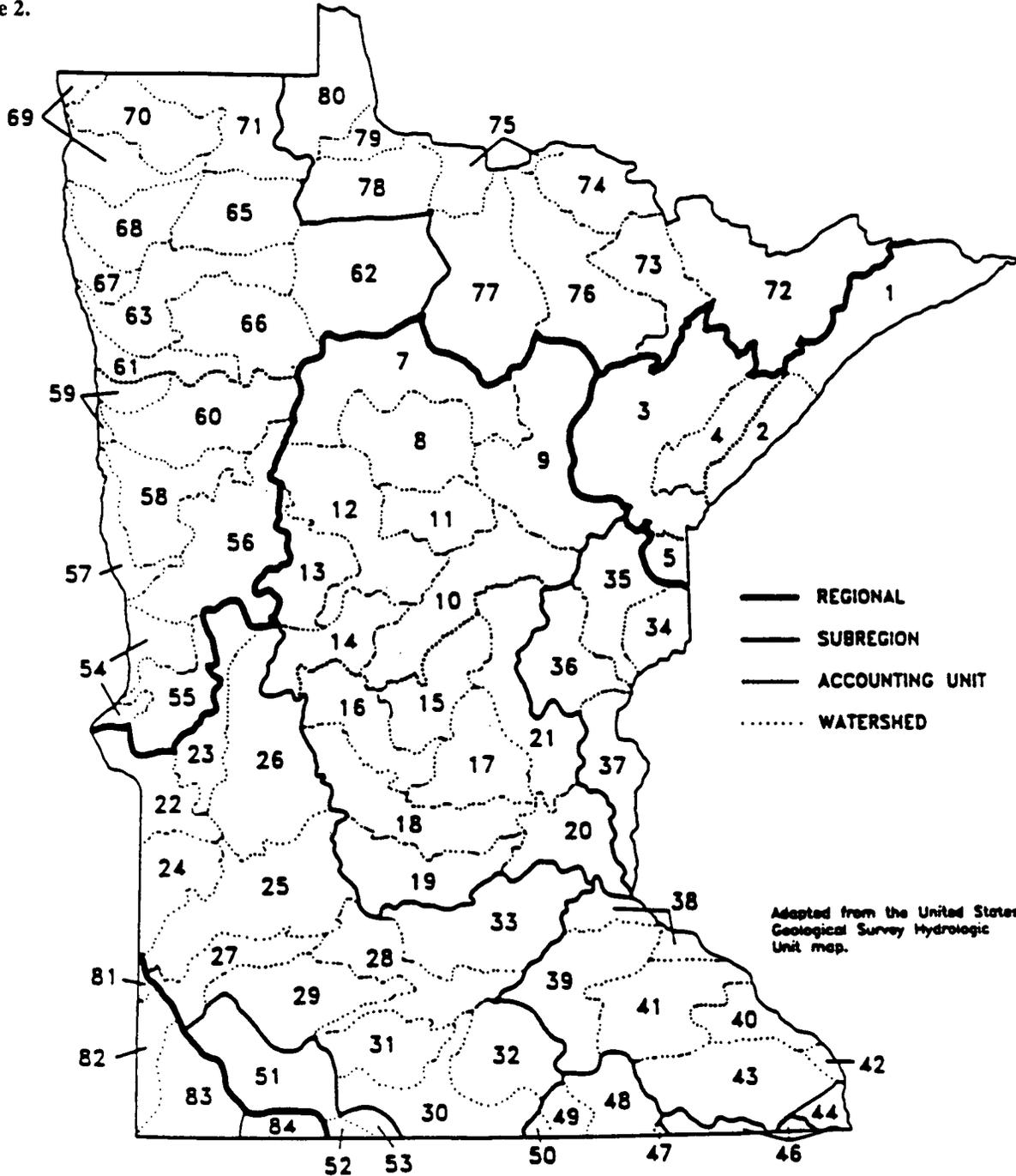
# Adopted Rules

Table 2-3. Inlet and Outlet Characteristics.

Impact Wetland	Replacement Wetland Riverine	Flow-Through	Tributary	Floodplain	Isolated
Riverine	0.0	0.2	0.4	0.6	1.0
Flow-Through	0.2	0.0	0.4	0.6	0.8
Tributary	0.4	0.2	0.0	0.2	0.4
Floodplain	0.6	0.6	0.2	0.0	0.2
Isolated	1.0	0.8	0.4	0.2	0.0

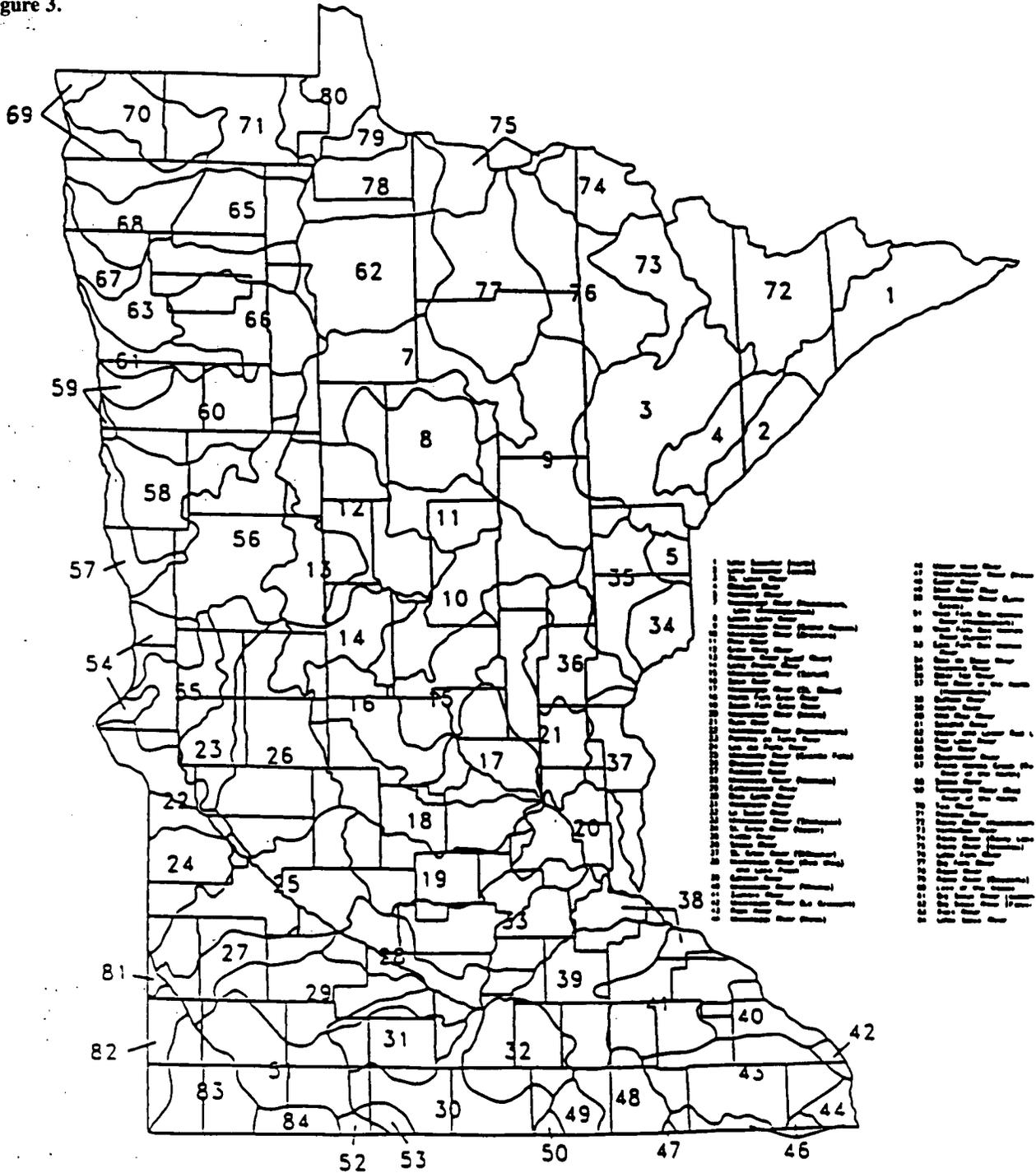
## HYDROLOGIC UNITS

Figure 2.



STATE OF MINNESOTA WATERSHED BOUNDARIES—1979  
(81 MAJOR WATERSHED UNITS)

Figure 3.



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## Adopted Rules

(5) Application of replacement ratios. The required replacement ratio for out-of-kind replacement shall be the sum of the wetland type ratio plus the hydrologic unit ratio plus the inlet and outlet characteristics ratio plus the local public value ratio. When this ratio is less than the minimum in-kind ratio of 1:1 for wetlands on agricultural land or in counties or watersheds in which 80 percent or more of the presettlement wetland acreage exists, or 2:1 for wetlands on nonagricultural lands in counties where 50 percent or less of presettlement wetlands exist, the minimum in-kind ratio shall be the required replacement ratio.

E. Determining impacts of partial drainage. In cases where wetlands will be partially or incompletely drained, the amount of wetland to be replaced must be determined according to the following formula:

$$\text{Where: NI} = \text{OA} - \frac{1}{\text{RR}}(\text{RA})$$

NI = Net impact (acres of original wetland type to be replaced)

OA = Original acreage of original wetland type

RR = Replacement ratio, determined from table 1, using the original wetland type as the impacted wetland type and the wetland type resulting from the partial drainage as the replacement wetland type

RA = Remaining acres of the original wetland

Calculation of partial drainage credit is explained by the following example:

A ten-acre type 3 (~~PEC~~ PEMC) wetland is partially drained resulting in a five-acre type 1 (~~PEA~~ PEMA) wetland. ( $\text{NI} = 10 - \frac{1}{3}(5) = 8\frac{2}{3}$ ) Eight and one-third acres of type 3 wetland is ~~needed~~ as the net impact subject to replacement.

F. Determining credit for restoration of partially drained wetlands. In cases where partially drained wetlands are restored to their former state, the acres credited for restoring a partially drained wetland is in two parts. The first is the new wetland credit (NWC) caused by the restoration (for example, if the preresoration wetland is one acre and postrestoration will be three acres, the new wetland credit is two acres). The second credit is for the change in value of the preresoration wetland acres. This is the public value credit (PVC) and must be computed as follows:

$$\text{PVC} = \left( \frac{\text{RR} - 1}{\text{RR}} \right) \text{OA}$$

Where: PVC = Public value credit

RR = Replacement ratio, determined from table 1, using the preresoration wetland type as the replacement wetland type, and the postrestoration type as the impacted wetland type

OA = Wetland acreage before restoration

The credit for increase in new acres can be used in its entirety. The public value credit can only be used for that portion of wetland replacement requiring greater than a 1:1 ratio.

Calculation of partial restoration credits is explained by the following example:

A partially drained five-acre type 1 (~~PEA~~ PEMA) wetland is to be restored to a ten-acre type 3 (~~PEC~~ PEMC) wetland.

$$\left( \frac{3 - 1}{3} \right) 5 = 3\frac{1}{3} \text{ PVC}$$

This restoration is proposed as replacement for a ten-acre type 6 (PSSA) wetland. The wetland is located on nonagricultural land in a "less than 80 percent county or watershed" so the minimum replacement ratio is 2:1. This means 20 acres of replaced wetland is needed.

From the wetland type value in table 2, the replacement ratio is 1. The replacement is located in the same watershed, so the hydrologic unit ratio is 0.0. The inlet and outlet characteristics are isolated for the impacted wetland and tributary for the replacement wetland, so the inlet and outlet characteristics ratio is 0.4. The out-of-kind replacement ratio is the sum of  $1.0 + 0.0 + 0.4 = 1.4$ . This is less than the minimum of 2:1, so additional acreage is needed.

To ensure no-net loss of wetlands, at least ten acres of new wetland credit must be used to offset the ten acres of wetland lost. The remaining ten acres of required replacement can use either new wetland credit or public value credit.

The proposed restoration is insufficient to replace the proposed impact, therefore an identical site is also selected for restoration. From site one, new wetland credit equals five; from site two, new wetland credit equals five; ( $5 + 5 = 10$  acres of NWC). The no-net loss wetland acreage requirement is satisfied. Ten acres must still be found to satisfy the 2:1 requirement. Site one still has three and one-third acres of public value credit, as does site two; ( $3\frac{1}{3} + 3\frac{1}{3} = 6\frac{2}{3}$ ). An additional three and one-third acres of either new wetland credit or public value credit must be found to meet the additional acreage requirements.

G. Special cases or appeals. For projects of unusual complexity, or replacement plans that have been denied and are being appealed, and for which the local government unit believes an alternative evaluation process may produce a substantially different

replacement requirement, the local government unit may evaluate the replacement plan using the current version of the Minnesota wetland evaluation methodology or another scientifically accepted ~~method~~ methodology approved by the board, in consultation with the commissioner, that evaluates all wetland functions and values for both the impacted and replacement wetlands.

When using the Minnesota wetland evaluation methodology or another board, in consultation with the commissioner, approved methodology to evaluate replacement plans, the ratio of impact wetland to replacement wetland must not be less than the minimum acreage requirements as listed in part 8420.0540, subpart 6. Further, the hydrologic unit ratio in item D, subitem (2), the inlet and outlet characteristics ratio in item D, subitem (3), and the local public value ratio, if any, in item D, subitem (4), must also be ~~added to~~ considered when using the Minnesota wetland evaluation methodology ratio as in item D, subitem (5) or another board, in consultation with the commissioner, approved methodology.

H. Adequacy decision. A replacement plan that fails to meet the requirements in items A to G must be considered inadequate in replacing lost functions and values and shall not be approved by the local government unit. A replacement plan that has been considered by the local government unit and not approved may be revised and resubmitted for consideration by the local government unit. As required by part 8420.0250, the decision of a local government unit to approve, approve with conditions, or not approve a replacement plan becomes final if not appealed to the board within 30 days after the date on which the decision is mailed to those required to receive notice of the decision. Before construction of the replacement wetland may proceed, the notice specified in part 8420.0530, item D, subitem ~~(7)~~ (6), must be recorded and proof of recording provided to the local government unit.

#### **8420.0550 WETLAND REPLACEMENT STANDARDS.**

Subpart 1. **General requirements.** The standards and guidelines in this part shall be used in wetland creation and restoration efforts to ensure adequate replacement of wetland functions and values.

~~The Table in subpart 3 4~~ provides general guidelines for the physical characteristics that each type of replacement wetland should have.

Subp. 2. **Specific requirements.** The standards in items A to ~~D~~ H shall be followed in all wetland replacements unless the technical evaluation panel determines that a standard is clearly not appropriate.

A. Water control structures must be constructed using specifications provided in the ~~RIM Reserve~~ Minnesota Wetland Restoration Manual Guide or their equivalent. Control structures may be subject to the department dam safety regulations.

B. A minimum one rod strip, 16.5 feet wide, of vegetation sufficient to control erosion Best management practices must be established and maintained adjacent to the entire perimeter of all replacement wetlands.

C. For replacement wetlands where the dominant vegetation of the wetland type identified as the replacement goal in part ~~8420.0540~~ 8420.0530, subpart 10 item D, subitem (1), is not likely to recover naturally in a five-year period, wooded and shrub wetlands especially, the replacement wetland must be seeded or planted with appropriate species, as determined by the soil and water conservation district, in coordination with the department. If the replacement wetland is seeded or planted, the seed or planting stock should be of local wetland origin to preserve local genotypes. During the monitoring period, the applicant must take reasonable steps to prevent invasion by any species, for example, purple loosestrife and Eurasian water milfoil, that would defeat the revegetation goal of the replacement plan.

E. For all restored wetlands where the original organic substrate has been stripped away and for all created wetlands, ~~the basin provisions~~ must be excavated one foot below final grade elevation and backfilled with one foot of made for providing an organic soil substrate. When feasible, the organic soil used for backfill should be taken from the drained or filled wetland.

F. The bottom contours of created types 3, 4, and 5 wetlands ~~must~~ should be undulating, rather than flat, to provide a variety of water depths to be consistent with part 8420.0540, subpart 8.

G. Sideslopes of created wetlands and buffer strip must not be steeper than 5:1, five feet horizontally for every one foot vertically as averaged around the wetland. Sideslopes of 10:1 to 15:1 are preferred.

H. Created wetlands ~~must~~ should have an irregular edge to create points and bays to be consistent with part 8420.0540, subpart 8.

Subp. 3. ~~Table 3 4~~. Physical characteristics of wetlands using an abbreviated Cowardin referencing the wetland classification equivalency chart found in part 8420.0540, subpart 10, item B.

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# Adopted Rules

WETLAND TYPE	MEAN DEPTH*	WATERSHED RATIO	DOMINANT VEGETATION**	DEPRESSIONAL?
<b>FORESTED</b>				
PFA (T1)	INTMTNT	--	TREES	SOMETIMES
PFB (T7)	SATUR'D	>= 3:1	TREES	YES
PFC (T7)	6" - 3'	>= 5:1	TREES	YES
<b>SCRUB-SHRUB</b>				
PSA (T6)	INTMTNT	--	SHRUBS	YES
PSB (T6)	SATUR'D	>= 3:1	SHRUBS	YES
PSX (T8)	SATUR'D	>= 3:1	SHRUBS	SOMETIMES
PSC (T6)	SAT. - INT.	--	SHRUBS	YES
<b>EMERGENT</b>				
PEA (T1)	INTMTNT	--	HERB/EMERG	YES
PEB (T2)	SATUR'D	>= 3:1	HERB/EMERG	YES
PEC (T3)	6" - 2'	>= 5:1	HERB/EMERG	YES
PEF (T4)	2' - 4'	>= 10:1	HERB/EMERG	YES
<b>DEEP MARSH</b>				
PA (T5)	4' - 6'	>= 15:1	AQUATIC BED	YES
PU (T5)	4' - 6'	>= 15:1	ALGAE/FLOATG	YES
<b>LAKES</b>				
L1 (T5)	>= 6'	>= 25:1	ALGAE/FLOATG	YES
L2 (T5)	<= 6'	>= 25:1	HERBACEOUS	YES
<b>RIVERINE</b>				
R2 (NA)	>= 2'	--	ALGAE, SUB	FLOWAGE
R3 (NA)	6" - 2'	--	ALGAE, SUB	FLOWAGE
R4 (NA)	INTMTNT	--	RIPARIAN	FLOWAGE

\* INTMTNT = INTERMITTENT OR TEMPORARILY FLOODED, SATUR'D = SATURATED IN THE ROOTING ZONE.

\*\* HERB = HERBACEOUS, EMERG = EMERGENT, SUB = SUBMERGENT, FLOATG = FLOATING-LEAVED

## 8420.0620 MONITORING ANNUAL REPORT.

Subp. 2. **Report content.** The annual report shall include the following information and other site-specific information identified by the local government unit:

C. hydrology measurements: ~~monthly~~ seasonal water level elevations during the period April through October (msl, or referenced to a known bench mark);

D. a list of the dominant vegetation in the wetland, including ~~genera~~ common names of the vegetation exceeding 20 percent coverage and an estimate of coverage, for example, 50 percent ~~Salix~~ willow, 20 percent ~~Typha~~ cattail, and 30 percent ~~Carex~~ sedge; and

**8420.0710 DEFINITIONS.**

Subp. 5. **Credits or wetland credits.** "Credits" or "wetland credits" means acres or ~~tenths parts~~ parts of acres of restored or created wetland, catalogued by abbreviated Cowardin, et al. wetland type from part 8420.0540, subpart 10, item B, and inlet and outlet characteristics deposited in the wetland bank.

Subp. 6. **State wetland banking system, wetland bank, or bank.** "State wetland banking system," "wetland bank," or "bank" means a system of identifying wetlands restored or created for replacement credit, providing for, and facilitating and tracking the exchange of wetland credits for projects that require replacement plans.

**8420.0720 PRINCIPLES OF WETLAND BANKING.**

Subp. 4. **Restoration only Eligible wetlands.** ~~Only~~ Restored wetlands are eligible for deposit into the wetland bank. Created wetlands are ~~not~~ eligible for deposit- in the wetland bank in counties in which 80 percent or more of the presettlement wetlands are intact. In other counties, created wetlands are eligible for deposit in the bank only if they are created by excavation in nonwetlands, by dikes or dams along public or private drainage ditches, or by dikes or dams associated with the restoration of previously drained or filled wetlands. Modification or conversion of nondegraded naturally occurring wetlands from one type to another are not eligible for enrollment in a statewide wetlands bank.

Subp. 5. **Exempt Ineligible wetlands.** Wetlands that are drained or filled under an exemption in part 8420.0120 and subsequently restored are not eligible for deposit in the wetland bank.

Subp. 8. **Deed recording.** For wetlands proposed for deposit, a deed covenant must be recorded stating that the subject wetland was or will be restored or created for mitigation banking purposes.

**8420.0730 ADMINISTRATION AND MANAGEMENT AUTHORITY.**

Subpart 1. **Establishment.** The board shall establish a state wetland bank. The board or the board's assignee is responsible for management of the bank including recording all bank transactions, maintaining bank records, and ensuring that the operation of the bank complies with parts 8420.0700 to 8420.0760. The board shall notify all local government units upon establishment of the bank. Any banking system including those established by local governments must comply with parts 8420.0700 to 8420.0760 and must be approved by the board and the commissioner.

Subp. 2. **Deposit prerequisites.** To be deposited into the wetland bank, a ~~restored~~ wetland must be certified as eligible for deposit by the local government unit in which it is located, according to part 8420.0740, subpart 1. The method of certification by local government units is optional, but wetland credits may not be deposited into the bank within that local government units jurisdiction without certification. If a local government unit elects to certify ~~restored~~ wetlands for the wetland bank, the local government unit is also responsible for ensuring that the monitoring provisions in part 8420.0750 are fulfilled. A local government unit may decline to certify all ~~restored~~ wetlands within its jurisdiction or, based on a comprehensive local water plan, a local government unit may elect to certify ~~restored~~ wetlands for deposit into the wetland bank only in selected areas, for example, high priority regions and areas. If the local government unit elects to reject or limit banking, it must do so by rule or ordinance, as applicable.

**8420.0740 PROCEDURES.****Subpart 1. Deposits and credits.**

A. ~~Only~~ Restored wetlands are eligible for deposit into the wetland bank. Created wetlands are ~~not~~ eligible for deposit- in the wetland bank in counties in which 80 percent or more of the presettlement wetlands are intact. In other counties, created wetlands are eligible for deposit in the bank only if they are created by excavation in nonwetlands, by dikes or dams along public or private drainage ditches, or by dikes or dams associated with the restoration of previously drained or filled wetlands. Modification or conversion of nondegraded naturally occurring wetlands from one type to another are not eligible for enrollment in a statewide wetlands bank.

B. Wetland replacement credits approved before ~~the date that a statewide wetland banking system is established is July 1, 1993,~~ are eligible for deposit into the ~~state wetland bank~~ banking system if the wetland replacement ~~has been~~ credit was authorized by a public agency specifically for ~~an existing~~ a wetland bank that has been approved by the commissioner. Also, wetland replacement credits that have been deposited in a local government unit bank before July 1, 1993, and after January 1, 1992, are eligible for deposit into the state wetland banking system if the deposit meets all the criteria in parts 8420.0700 to 8420.0760 based on a site inspection and review by the board and the commissioner.

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## Adopted Rules

C. After the date that a statewide wetland banking system is established July 1, 1993, wetlands restored or created without prior local government unit approval as specified in this part are not eligible for deposit into the wetland bank.

D. The minimum wetland acreage eligible to establish an account in the wetland bank is ~~0.5~~ 0.1 acres.

E. There is no maximum wetland acreage eligible for deposit in the wetland bank. The local government unit, upon recommendation of the technical evaluation panel, must identify the acreage that will receive credit. As an incentive to encourage the ~~restoration~~ deposit of small wetlands, the local government unit shall assign credit to ~~restored~~ wetland acreage as follows:

**Restored Wetland**

**Acreage**

**Credit**

0 to 10 acres

100 percent

over 10 acres

90 percent

The local government unit may modify the credit given, up to a maximum of 100 percent, if ~~unanimously~~ agreed to by the technical evaluation panel.

F. The initial deposit of wetland credits ~~from a wetland restoration in the wetland bank~~ must be done by the fee title owner or easement or license holder of the ~~restored~~ wetland.

G. Except as provided for in item B, in order to deposit wetland acres into the wetland bank, the depositor must notify the local government unit in writing, before restoration or creation, that the proposed wetland ~~proposed for restoration~~ is specifically designated for deposit into the wetland bank. This notification may be part of the documentation requested in item H. In cases where excess wetland acreage is expected to result from a specific replacement plan according to parts 8420.0530 to 8420.0550, the owner must indicate on the replacement plan that the excess acreage is to be considered available for wetland banking.

H. In cases where a wetland is proposed to be restored or created solely for wetland banking purposes, that is, the wetland is not part of a project-specific wetland replacement plan, the depositor must submit to the local government unit a bank plan containing the information required in part 8420.0530, items A and D.

A copy of the bank plan is subject to the notice and comment provisions in part 8420.0230 shall be mailed to members of the technical evaluation panel, members of the public who have requested a copy, and members of the watershed district or watershed management organization if there is one. Based on input from the technical evaluation panel and other comments received, the local government unit must determine the likelihood that the restoration or creation will be successful and, if affirmative, approve the plan and advise the depositor of the wetland acreage likely to be accepted into the wetland bank. Approval of the plan shall be considered official acknowledgment that the ~~restored~~ wetland is designated for replacement.

I. In cases where a wetland is to be restored or created by an agency, department, or subdivision of the local government unit for deposit into the wetland bank, the local government unit must prepare the information required in part 8420.0530, items A and D, and notice this information according to ~~the notice and comment provisions in part 8420.0230~~ 8420.0740, subpart 1, item H.

J. The proposed wetland must be restored or created within two years of approval or the bank plan must be resubmitted for consideration. Upon approval, the depositor shall restore or create the wetland and notify the local government unit when construction has been completed. The technical evaluation panel shall inspect the site when construction is completed to ensure that construction specifications have been followed. Failure to follow approved construction specifications is sufficient grounds for the local government unit to deny consideration of the wetland for banking.

K. No sooner than six months after construction has been completed and approved for restored wetlands, and no sooner than one year after construction has been completed and approved for created wetlands, the depositor shall contact the local government unit to request a final determination of wetland bank acceptability and approved quantities of wetland credits for deposit. The technical evaluation panel shall ensure that sufficient time has been allowed for the ~~restored~~ wetland to become established, especially vegetation and hydrology, before making this determination. If the technical evaluation panel has reason to believe that the wetland characteristics may change substantially, the panel must postpone its recommendation to the local government unit until the wetland has stabilized.

Based on a site visit, the technical evaluation panel will determine the size and type of wetland, using the abbreviated Cowardin et al. classification in part 8420.0540, subpart 10, item B, as well as inlet and outlet characteristics resulting from the ~~restored to be deposited~~ wetland. The technical evaluation panel will provide the information to the local government unit.

M. To be deposited into the bank, the following information concerning the ~~restored~~ wetland must be submitted to the board by the local government unit in which the wetland is located:

(2) location of the ~~restored~~ wetland, including legal description, UTM public land survey coordinates, county, and watershed;

(3) a copy of the deed for the property containing the ~~restored~~ wetland with the required covenant recorded;

(4) size of the wetland acreage to be deposited, to the 0.1 acre, by wetland type, using the abbreviated Cowardin, et al. classification in part 8420.0540, subpart 10, item B, and inlet and outlet characteristics; and

N. The board shall acknowledge the deposit to the depositor and local government unit and officially enter the information in item M into the wetland bank. Information on deposited wetlands shall be available from the board on request according to subpart 2, item E D.

**Subp. 2. Withdrawals.**

E. The applicant may then contact, negotiate, and purchase the required wetland acreage from the account holder. When the account holder and applicant come to agreement, the applicant will provide requested information on a notarized credit transfer form developed by the board, and include the credit transfer form as part of the wetland replacement plan transmitted to the local government unit. The credit transfer form will include information indicating the wetland type by acres for transferal, location of ~~restored wetlands~~ banked wetland, and the inlet and outlet characteristics of the banked wetland.

F. The local government unit must circulate the applicant's wetland replacement plan and the credit transfer form to identify specific wetland bank credits as the applicable replacement wetland, using the public comment and review process in part 8420.0230 and to the local government unit whose jurisdiction covers the location of the wetland bank acreage. The local government unit must contact the board to verify that replacement credits indicated on the credit transfer form are available before final approval of wetland bank withdrawals.

~~The comment and review process initiated in this item may be limited to the bank transaction only, if public comment and review has already taken place for all other aspects of the proposed development and its impact.~~

G. Wetlands impacted by public transportation projects may be replaced statewide, provided the replacements are approved by the commissioner under an established wetland banking system or under the rules for wetland banking as provided for in parts 8420.0700 to 8420.0760.

The commissioner shall notify the local government unit and the board of the decision within 30 days of the date that the ~~notice of~~ the replacement plan is published in received by the EQB Monitor commissioner. If the commissioner does not approve the replacement plan, the local government unit shall not approve the replacement plan.

**8420.0750 AUDITING AND MONITORING.**

**Subpart 1. Annual report and audit.**

B. The wetland bank data file maintained by the board will contain at least the following information:

(1) wetland acres by abbreviated Cowardin et al. classification type, inlet and outlet characteristics, restoration or creation date, and bank acceptance date, fee owner, location by (UTM public land survey coordinates, section, township, range, local government unit, county, and watershed of the banked wetland); and

(2) previous withdrawals against each banked wetland by impact wetland (wetland acres by abbreviated Cowardin, et al. classification type, inlet and outlet characteristics, date of wetland impact), ownership (fee owner, address, telephone number) and location (UTM public land survey coordinates, section, township, range, local government unit, county, and watershed of the impacted wetland).

**Subp. 2. Monitoring.**

B. The board shall inspect ~~restored~~ wetlands deposited into the wetland bank at least once each five years to ensure that the wetlands conform to conditions specified in the approved ~~restoration~~ bank plan, and to make a determination of needed corrective action.

**8420.1020 IDENTIFYING CALCAREOUS FENS.**

A calcareous fen is a peat-accumulating wetland dominated by distinct groundwater inflows having specific chemical characteristics. The water is characterized as circumneutral to alkaline, with high concentrations of calcium and low dissolved oxygen content. The chemistry provides an environment for specific and often rare hydrophytic plants.

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

# Errata

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## Minnesota Workers' Compensation Assigned Risk Plan

The notice of a Request for Proposals for Services on behalf of the Minnesota Workers' Compensation Assigned Risk Plan published in the *State Register* on Monday, July 12, 1993 appeared in the Professional, Technical and Consulting Contracts section of the publication. The Assigned Risk Plan had requested that the notice (reprinted below) appear in the "Non-State Public Bids and Contracts" section of the *State Register*.

### Notice of Request for Proposals for Services to be Provided to the Minnesota Workers' Compensation Assigned Risk Plan ("Plan")

The Plan is seeking joint proposals, submitted by two partnered entities, to provide general administrative and managed care services. General administrative services include but are not limited to: policy issuance and premium collection services; premium audit services; and loss control services. Managed care services include but are not limited to: medical management and disability management. Claims administration services, which have historically been provided to the Plan by the general administrative services vendors, may be provided by either vendor or a combination of both.

Because the Plan believes that there will be substantial savings to the Plan if the services provided by the two vendors are carefully and fully coordinated, only proposals which provide both general administrative and managed care services will be accepted. The Plan will not award more than 50 percent of its business to any one pair of vendors making a joint proposal.

An entity proposing to provide general administrative services must either be an insurance company licensed pursuant to *Minnesota Statutes* Section 60A.06, subdivision 1, clause (5), paragraph (b), or a self-insurance administrator licensed pursuant to *Minnesota Statutes* Section 176.181, subdivision 2, clause (2), paragraph (a). An entity proposing to provide managed care services must have received provisional certification from the Minnesota Department of Labor and Industry under the emergency rules relating to managed care plans. If permanent rules relating to certification of managed care plans are adopted between July 12, 1993 and October 15, 1993, the entity proposing to provide managed care services must have an application for certification under the permanent rules pending with the Department of Labor and Industry by November 1, 1993.

*Minnesota Statutes* Section 79.251, subdivision 1, clause (6) specifies that the Plan is not a state agency. Accordingly, the RFP process is not governed by the contracting procedures applicable to state agencies set forth in *Minnesota Statutes* and *Rules*. Any entity which responds to this RFP must expressly acknowledge in its proposal its understanding that the contracting procedure requirements which apply to state agencies do not apply to the Plan.

Interested parties may obtain the RFP by written request to Mark R. Sheehan, Plan Administrator, Minnesota Workers' Compensation Assigned Risk Plan, 4500 Park Glen Road, Minneapolis, MN 55416. Written requests will be accepted by fax at (612) 922-5423. Responses to the RFP will be due at 4:00 p.m., November 1, 1993.

## Executive Orders

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### Executive Department

#### Emergency Executive Order 93-8: Providing for Assistance to Officials in Washington County

**I, ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:**

**WHEREAS**, on July 1, 1993, severe weather, with straight line winds and a possible tornado, touched down in Washington County in the cities of Cottage Grove and St. Paul Park; and

**WHEREAS**, officials from Washington County having exhausted the means at their command for dealing with the situation, now request state assistance in managing debris clean-up, security, traffic control and generators;

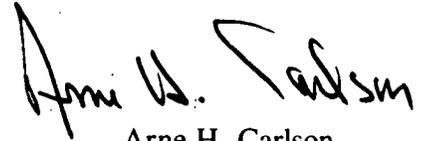
**NOW, THEREFORE**, I hereby order that:

1. The Adjutant General of Minnesota order to active duty on or after July 2, 1993, in the service of the State, such elements and equipment of the military forces of the State as required and for such period of time as necessary to assist and support civil authorities in protecting life and property, and providing emergency services.

2. The cost of subsistence, transportation, fuel, and pay and allowances of said individuals shall be defrayed from the general fund of the State as provided for in *Minnesota Statutes* 1992, Sections 192.49, subd. 1; 192.51, and 192.52.

Pursuant to *Minnesota Statutes* 1992, Section 4.035, subd. 2, this Order shall be effective July 2, 1993, and shall remain in effect until such date as elements of the military forces of the State are no longer required.

**IN TESTIMONY WHEREOF**, I have set my hand this seventh day of July, 1993.



Arne H. Carlson  
Governor

Filed According to Law:

Joan Anderson Growe  
Secretary of State

Dated: 7 July 1993

## **Executive Department**

### **Executive Order 93-9: Directing State Departments and Agencies to Study the Feasibility of Implementing a "One-Stop Shopping" Concept for Business Regulation**

**I, ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:**

**WHEREAS**, it is in the interest of the citizens of the state of Minnesota, and Minnesota businesses in particular, that business efforts to achieve regulatory compliance are handled efficiently and effectively and that state regulatory requirements are understandable; and

**WHEREAS**, many businesses perceive that the present process of securing regulatory compliance is complicated, time consuming, costly, and unduly burdensome; and

**WHEREAS**, it is in the public interest that state departments and agencies assist businesses in achieving regulatory compliance as promptly and expeditiously as possible; and

**WHEREAS**, the concept of "one-stop shopping" has been proposed as a way of facilitating regulatory compliance by businesses; and

**WHEREAS**, the Department of Jobs and Training has begun investigating the need for and benefits of a uniform business identifier for Minnesota businesses;

**NOW, THEREFORE**, I hereby order that:

1. The Commissioner of Trade and Economic Development shall investigate the feasibility of implementing true "one-stop shopping" by businesses for regulatory affairs in Minnesota, and report his findings and recommendations (including any appropriate legislative initiatives) to the Governor by January 1, 1995. All state agencies shall cooperate in the conduct of this feasibility study.

2. True "one-stop" shopping for regulatory affairs means a single agency or sub-agency in state government (though perhaps with more than one office location) which has the authority, personnel, expertise, procedures and systems resources to:

a. Assist and advise the "business public" with the substance and procedures of individual regulations and the steps to compliance;

## Executive Orders

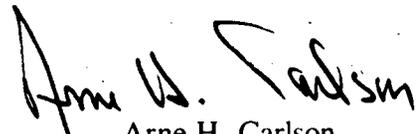
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- b. Provide to and accept from business applicants the necessary forms and documents for regulatory compliance;
  - c. Process these forms and documents in accordance with statutes and rules; and
  - d. Directly issue licenses and permits as agent for the applicable agency.
3. Issues to be examined and resolved through this study include:
- a. The relationship between the agency that provides the "one-stop shopping" service and the department or agency which has statutory authority for substantive regulation or enforcement.
  - b. A determination of who should perform competency testing or assure competency in cases where that is a prerequisite to securing a license or permit (e.g., licensed professions and building trades), and who assures or evaluates the adequacy of continuing education or other competency-based criteria that are a condition of relicensure.
  - c. How disputes concerning delay in issuing a license or permit, denial of a license or permit, or suspension or termination of a license or permit for disciplinary or other reasons will be handled.
  - d. How the acceptance of "one-stop shopping" by regulatory and enforcement agencies will be secured and how compliance and enforcement activity will be coordinated.
  - e. How to acquire a staff that has the level of expertise necessary to provide the level of assistance and advice demanded by true "one-stop shopping."
  - f. How the strengths and limitations of "one-stop shopping" will be communicated to regulated parties.
  - g. How matters of overlapping jurisdiction (state/federal, state/local) will be handled and how those issues will be communicated to the affected parties.
  - h. How the need for legislative change will be determined and who will be responsible for preparing and monitoring initiatives to secure such change.
  - i. Legal liability.
  - j. Such other issues as the study group deems important and appropriate.

Pursuant to *Minnesota Statutes* 1992, Section 4.035, subd. 2, this Order shall be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes* 1992, Section 4.035, subd. 3.

IN TESTIMONY WHEREOF, I have set my hand this seventh day of July, 1993.

  
Arne H. Carlson  
Governor

Filed According to Law:

Joan Anderson Growe  
Secretary of State

Dated: 7 July 1993

## **Executive Department**

### **Executive Order 93-10: Directing State Departments and Agencies to Take Certain Steps to Assure that Rules and Rulemaking Activities are Appropriate, Effective, and Efficient**

**I, ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:**

**WHEREAS**, in response to Executive Order 92-15, state departments and agencies have analyzed and reviewed existing rules and regulations affecting Minnesota businesses, and have identified for elimination or revision all rules and regulations which do not have an immediate, necessary, and substantial impact on achieving the interest intended to be protected; and

**WHEREAS**, the Commissioner of Trade and Economic Development has presented to the Governor a composite report on the implementation of Executive Order 92-15, and has made certain recommendations for further executive and legislative action; and

**WHEREAS**, it is in the interest of the citizens of the state of Minnesota that rules and regulations which directly affect Minnesota businesses are appropriate, effective, and efficient to achieving the policy and purpose of the underlying legislation but do not unnecessarily restrict economic expansion and job growth; and

**WHEREAS**, state agencies and departments are in the best position to monitor their rules and regulations and take prompt action to assure that those rules and regulations continue to further their underlying purpose while minimizing adverse effects on job growth and the vitality of Minnesota businesses;

**NOW, THEREFORE**, I hereby order that:

1. All state departments and agencies shall review their regulatory statutes that directly affect Minnesota businesses and identify for repeal or amendment all statutes which are no longer appropriate, effective, or efficient, and shall, by September 1, 1993, report to the Governor on their specific plans and timetables for securing repeal or amendment of those statutes. The report shall include draft legislation for the 1994 legislative session. State departments and agencies shall then implement their plans, timetables and legislative initiatives and submit to the Governor, by September 30, 1994, a report on the results. This process shall be repeated annually.

2. All state departments and agencies shall develop and implement a plan for biannually reviewing, prior to the budget preparation process, their rules and regulations which directly affect Minnesota business and for amending or repealing those which are no longer appropriate, effective, or efficient. Departments and agencies shall report the results of implementing their plans to the Governor by September 30, 1993, and biannually by September 30 thereafter.

3. All state departments and agencies that have in place alternatives to traditional command and control methods of securing regulatory compliance by businesses shall, by September 30, 1993, publicize their efforts to other state departments and agencies. All state departments and agencies shall evaluate alternatives to traditional command and control regulations and report to the Governor, by January 1, 1994, their proposals, plans, and timetables for achieving appropriate alternatives or their reasons for not implementing such alternatives. Results shall be reported to the Governor by September 30, 1994, and each September 30 thereafter.

4. All state departments and agencies shall identify and implement new or improved procedures to improve their day-to-day operations so as to clarify and shorten the internal critical paths for handling regulatory matters, and shall report the results to the Governor by January 1, 1994.

5. As used in this Executive Order, rules or regulations that directly affect Minnesota businesses are rules which determine a business' eligibility for benefits or programs administered by the state department or agency; rules which pertain to the granting or revocation of occupational or operating licenses or permits; rules which impose fines or penalties on businesses; rules which establish reporting requirements for businesses; rules

## Executive Orders

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which govern a business' access to the agency, and any other rules or regulations which directly affect the rights or duties of a business.

6. As used in this Executive Order, the terms appropriate, effective, and efficient have the following meanings: "Appropriate" means regulatory activity for which there is a demonstrated need which can only or best be met by state government regulation; "Effective" means that the regulation maximizes the net benefits to the citizens of Minnesota; "Efficient" means the regulation maximizes the net benefits to Minnesota citizens at the least net cost.

In addition, I hereby encourage all units of local government to take similar actions to reduce the regulatory burdens on Minnesota businesses within their jurisdiction.

Pursuant to *Minnesota Statutes* 1992, Section 4.035, subd. 2, this Order shall be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes* 1992, Section 4.035, subd. 3.

IN TESTIMONY WHEREOF, I have set my hand this seventh day of July, 1993.

  
Arne H. Carlson  
Governor

Filed According to Law:

Joan Anderson Growe  
Secretary of State

Dated: 7 July 1993

## Official Notices

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Pursuant to the provisions of *Minnesota Statutes* § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

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### Minnesota Board on Aging

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Allocation of Funds to Area Agencies on Aging

**NOTICE IS HEREBY GIVEN** that the Minnesota Board on Aging is seeking information or opinions from sources outside the agency in preparing to propose adoption of a rule to establish a formula for allocating board-administered funds to area agencies on aging.

Adoption of the rule is authorized by *Minnesota Statutes*, section 256.975, subdivision 2(h), which permits the board to award grants, enter into contracts, and adopt rules the board deems necessary to carry out the purposes of section 256.975. The board is the state agency responsible for administering funds Minnesota receives under the Older Americans Act. Each board-designated planning and service area has an area agency on aging which receives grants from the board to plan, develop, implement, coordinate, and fund services. The formula established by the rule will determine how the board distributes funds within the state.

The Minnesota Board on Aging requests information and opinions concerning the subject matter of the rule. Interested persons or

groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Alice Weck, Rules Division, Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816.

Oral statements will be received during regular business hours over the telephone by Alice Weck at 612/297-4302 and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the Minnesota Board on Aging will become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 9 July 1993

Alice S. Weck  
Rules Division

## **Department of Human Services**

### **Health Care Policy Division**

#### **Advisory Committee Openings**

The Minnesota Department of Human Services is seeking applications from persons interested in serving on two advisory committees related to studies of the inpatient hospital payment systems under the Medical Assistance (MA) and General Assistance Medical Care (GAMC) programs. The studies will be conducted by a contractor that is independent of the advisory committees. Each committee's purpose is to advise the Commissioner throughout the study process and on the implications of the study results. Member serve for the duration of the studies on a voluntary basis with monthly or bi-monthly meetings in St. Paul.

##### **Hospital Peer Group Criteria Study:**

A study related to the development of peer group criteria and groups for inpatient hospital services is required by *Laws of Minnesota*, 1993 First Special Session, chapter 1, article 5, sections 25 and 126. These sections state, in part:

"The commissioner shall contract for the development of criteria for and the establishment of the peer groups. Peer groups must be established based on variables that affect medical assistance cost such as scope and intensity of services, acuity of patients, location, and capacity. Rates shall be standardized by the case mix index and adjusted, if applicable, for the variable outlier percentage. The peer groups may exclude and have separate limits or be standardized for operating cost differences that are not common to all hospitals in order to establish a minimum number of groups."

"The commissioner of human services shall report to the legislature by November 15, 1993 on the peer grouping plan . . . The report shall describe the peer grouping plan in detail, including the variables used to create the groups and the treatment of operating cost differences that are not common to all hospitals. The report must also indicate how the peer grouping plan will affect each individual hospital."

##### **Alternative Hospital Payment Study:**

A study related to the feasibility of developing alternative payment systems for inpatient hospital services is required by *Laws of Minnesota*, 1993 First Special Session, chapter 1, article 1, section 2. This states:

"The commissioner shall study and report to the legislature by February 1, 1994, recommendations on the feasibility of developing a Medicaid inpatient hospital payment system similar to the current Medicare methodology. The study shall examine at least the following reimbursement options: (1) Medicare diagnostic related grouping methodology, (2) reimbursement of small volume Medicaid providers on a percentage-of-charges basis rather than on a prospective basis; (3) equitable methods for reimbursing the additional costs incurred by teaching hospitals, children's hospitals, and high-volume Medicaid hospitals; and (4) (Note: Due to its scope, this requirement has been removed and may involve a separate study). The study shall also develop a plan to combine the medical assistance inpatient hospital reimbursement system with the reimbursement system to be developed by the health care commission. The commissioner shall establish a task force including department staff, hospital industry representatives, and health care commission representatives to assist with the preparation of the report and recommendations. The report shall include recommendations on the feasibility of implementing a new reimbursement system on July 1, 1994, and an estimate of the cost or savings associated with any recommended changes."

If interested in serving on either committee, please provide a listing of qualifications by August 6, 1993 to:

Paul Olson  
Hospital Section  
Health Care Policy Division

# Official Notices

Department of Human Services  
 444 Lafayette Road  
 St. Paul, Minnesota 55155-3848  
 (612) 296-5620

## Department of Human Services

### Self-Sufficiency Programs Division

#### Updated Child Care Fund Sliding Fee Co-payment Schedule

Pursuant to *Minnesota Statutes* 9565.5070 (Family Co-payment Schedule), the Department of Human Services hereby gives notice of the updated Sliding Fee Co-payment Schedule. This revised schedule is based on the 1993 state median income estimate as published in the April 8, 1993 *Federal Register*. The schedules published are for family sizes two through thirteen and are effective until further notice. The fee schedules which have been published earlier as parts of 9565.5070 are no longer valid.

Any questions about the new schedules should be directed to:

Linda Foster  
 Self-Sufficiency Programs  
 444 Lafayette Road  
 Saint Paul, Minnesota 55155-3837

#### FAMILY OF TWO

STATE MEDIAN INCOME \$30,454

ANNUAL INCOME RANGE FOR MINIMUM FEE

	Income Range	Monthly copayment
1 Adult	\$9,701 \$12,793	\$20
2 Adults	N/A	

ANNUAL INCOME RANGES FOR SLIDING FEE

Income Range	Monthly copayment
\$12,794 \$13,097	\$28
13,098 13,402	31
13,403 13,706	34
13,707 14,011	37
14,012 14,315	41
14,316 14,620	44
14,621 14,924	47
14,925 15,229	51
15,230 15,381	54
15,382 15,533	57
15,534 15,686	60
15,687 15,838	63
15,839 15,990	67
15,991 16,143	70
16,144 16,295	73
16,296 16,447	77
16,448 16,599	80
16,600 16,752	84
16,753 16,904	88
16,905 17,056	92
17,057 17,208	97
17,209 17,361	101
17,362 17,513	106
17,514 17,665	110
17,666 17,818	115
17,819 17,970	120
17,971 18,122	125
18,123 18,274	129
18,275 18,427	134
18,428 18,579	139

#### FAMILY OF TWO

STATE MEDIAN INCOME \$30,454

ANNUAL INCOME RANGE FOR MINIMUM FEE

	Income Range	Monthly copayment
1 Adult	\$9,701 \$12,793	\$20
2 Adults	N/A	

ANNUAL INCOME RANGES FOR SLIDING FEE

Income Range	Monthly copayment
\$18,580 \$18,731	\$144
18,732 18,883	149
18,884 19,036	155
19,037 19,188	160
19,189 19,340	166
19,341 19,492	172
19,493 19,645	178
19,646 19,797	185
19,798 19,949	191
19,950 20,102	198
20,103 20,254	204
20,255 20,406	211
20,407 20,558	218
20,559 20,711	224
20,712 20,863	231
20,864 21,015	238
21,016 21,167	245
21,168 21,320	252
21,321 21,472	259
21,473 21,624	267
21,625 21,777	274
21,778 21,929	281
21,930 22,081	289
22,082 22,233	296
22,234 22,386	304
22,387 22,538	312
22,539 22,690	320
22,691 \$22,842	\$327
\$22,843	INELIGIBLE

FAMILY OF THREE

STATE MEDIAN INCOME \$37,619

ANNUAL INCOME RANGE FOR MINIMUM FEE

	Income Range	Monthly copayment
1 Adult	\$11,810 \$15,803	\$20
2 Adults	\$11,322 \$15,803	\$20

ANNUAL INCOME RANGES FOR SLIDING FEE

Income Range	Monthly copayment
\$15,804 \$16,179	\$35
16,180 16,555	39
16,556 16,931	42
16,932 17,308	46
17,309 17,684	50
17,685 18,060	54
18,061 18,436	58
18,437 18,812	63
18,813 19,001	66
19,002 19,189	70
19,190 19,377	74
19,378 19,565	78
19,566 19,753	82
19,754 19,941	86
19,942 20,129	91
20,130 20,317	95
20,318 20,505	99
20,506 20,693	103
20,694 20,882	109
20,883 21,070	114
21,071 21,258	120
21,259 21,446	125
21,447 21,634	131
21,635 21,822	136
21,823 22,010	142
22,011 22,198	148
22,199 22,386	154
22,387 22,574	160
22,575 22,762	166
22,763 22,951	172
22,952 23,139	178
23,140 23,327	185
23,328 23,515	191
23,516 23,703	198
23,704 23,891	205
23,892 24,079	213
24,080 24,267	220
24,268 24,455	228
24,456 24,643	236
24,644 24,832	244
24,833 25,020	252
25,021 25,208	260
25,209 25,396	269
25,397 25,584	277
25,585 25,772	286
25,773 25,960	294
25,961 26,148	303
26,149 26,336	312
26,337 26,524	320
26,525 26,713	329
26,714 26,901	338
26,902 27,089	348
27,090 27,277	357
27,278 27,465	366
27,466 27,653	376
27,654 27,841	385
27,842 28,029	395
28,030 \$28,217	\$404
\$28,218	INELIGIBLE

FAMILY OF FOUR

STATE MEDIAN INCOME \$44,785

ANNUAL INCOME RANGE FOR MINIMUM FEE

	Income Range	Monthly copayment
1 Adult	\$13,786 \$18,813	\$20
2 Adults	\$13,431 \$18,813	\$20

ANNUAL INCOME RANGES FOR SLIDING FEE

Income Range	Monthly copayment
\$18,814 \$19,261	\$42
19,262 19,709	46
19,710 20,157	50
20,158 20,605	55
20,606 21,052	60
21,053 21,500	64
21,501 21,948	69
21,949 22,396	75
22,397 22,844	79
22,845 23,292	84
23,293 23,740	88
23,741 23,963	93
23,964 24,187	98
24,188 24,411	103
24,412 24,635	108
24,636 24,859	113
24,860 25,083	118
25,084 25,307	123
25,308 25,531	129
25,532 25,755	136
25,756 25,979	142
25,980 26,203	149
26,204 26,427	156
26,428 26,651	162
26,652 26,874	169
26,875 27,098	176
27,099 27,322	183
27,323 27,546	190
27,547 27,770	198
27,771 27,994	205
27,995 28,218	212
28,219 28,442	220
28,443 28,666	227
28,667 28,890	235
28,891 29,114	244
29,115 29,338	253
29,339 29,562	262
29,563 29,786	272
29,787 30,009	281
30,010 30,233	291
30,234 30,457	300
30,458 30,681	310
30,682 30,905	320
30,906 31,129	330
31,130 31,353	340
31,354 31,577	350
31,578 31,801	361
31,802 32,025	371
32,026 32,249	382
32,250 32,473	392
32,474 32,697	403
32,698 32,920	414
32,921 33,144	425
33,145 33,368	436
33,369 \$33,592	447
\$33,593	458
	470
	\$481
	INELIGIBLE

Official Notices

FAMILY OF FIVE

STATE MEDIAN INCOME \$51,951

ANNUAL INCOME RANGE FOR MINIMUM FEE

	Income Range	Monthly copayment
1 Adult	\$15,473 \$21,823	\$20
2 Adults	\$15,407 \$21,823	\$20

ANNUAL INCOME RANGES FOR SLIDING FEE

Income Range	Monthly copayment
\$21,824 \$22,343	\$48
22,344 22,862	53
22,863 23,382	58
23,383 23,901	64
23,902 24,421	69
24,422 24,940	75
24,941 25,460	81
25,461 25,979	87
25,980 26,239	92
26,240 26,499	97
26,500 26,759	103
26,760 27,019	108
27,020 27,278	114
27,279 27,538	119
27,539 27,798	125
27,799 28,058	131
28,059 28,317	137
28,318 28,577	143
28,578 28,837	150
28,838 29,097	158
29,098 29,356	165
29,357 29,616	173
29,617 29,876	180
29,877 30,136	188
30,137 30,395	196
30,396 30,655	204
30,656 30,915	213
30,916 31,175	221
31,176 31,434	229
31,435 31,694	238
31,695 31,954	246
31,955 32,214	255
32,215 32,473	264
32,474 32,733	273
32,734 32,993	283
32,994 33,253	294
33,254 33,512	304
33,513 33,772	315
33,773 34,032	326
34,033 34,292	337
34,293 34,551	348
34,552 34,811	360
34,812 35,071	371
35,072 35,331	383
35,332 35,590	394
35,591 35,850	406
35,851 36,110	418
36,111 36,370	430
36,371 36,629	443
36,630 36,889	455
36,890 37,149	467
37,150 37,409	480
37,410 37,668	493
37,669 37,928	506
37,929 38,188	519
38,189 38,448	532
38,449 38,707	545
38,708 \$38,967	\$558
\$38,968	INELIGIBLE

FAMILY OF SIX

STATE MEDIAN INCOME \$59,116

ANNUAL INCOME RANGE FOR MINIMUM FEE

	Income Range	Monthly copayment
1 Adult	\$17,161 \$24,834	\$20
2 Adults	\$17,094 \$24,834	\$20

ANNUAL INCOME RANGES FOR SLIDING FEE

Income Range	Monthly copayment
\$24,835 \$25,425	\$55
25,426 26,016	61
26,017 26,607	67
26,608 27,198	73
27,199 27,790	79
27,791 28,381	85
28,382 28,972	92
28,973 29,563	99
29,564 29,859	104
29,860 30,154	111
30,155 30,450	117
30,451 30,745	123
30,746 31,041	129
31,042 31,336	136
31,337 31,632	142
31,633 31,928	149
31,929 32,223	156
32,224 32,519	163
32,520 32,814	171
32,815 33,110	179
33,111 33,406	188
33,407 33,701	197
33,702 33,997	205
33,998 34,292	214
34,293 34,588	223
34,589 34,883	233
34,884 35,179	242
35,180 35,475	251
35,476 35,770	261
35,771 36,066	270
36,067 36,361	280
36,362 36,657	290
36,658 36,953	300
36,954 37,248	310
37,249 37,544	322
37,545 37,839	334
37,840 38,135	346
38,136 38,430	359
38,431 38,726	371
38,727 39,022	384
39,023 39,317	396
39,318 39,613	409
39,614 39,908	422
39,909 40,204	435
40,205 40,500	449
40,501 40,795	462
40,796 41,091	476
41,092 41,386	490
41,387 41,682	504
41,683 41,977	518
41,978 42,273	532
42,274 42,569	546
42,570 42,864	561
42,865 43,160	575
43,161 43,455	590
43,456 43,751	605
43,752 44,046	620
44,047 \$44,342	\$635
\$44,343	INELIGIBLE

FAMILY OF SEVEN

STATE MEDIAN INCOME \$60,460

ANNUAL INCOME RANGE FOR MINIMUM FEE

	Income Range	Monthly copayment
1 Adult	\$18,870 \$25,398	\$20
2 Adults	\$18,781 \$25,398	\$20

ANNUAL INCOME RANGES FOR SLIDING FEE

Income Range	Monthly copayment
\$25,399 \$26,003	\$56
26,004 26,607	62
26,608 27,212	68
27,213 27,817	74
27,818 28,421	81
28,422 29,026	87
29,027 29,630	94
29,631 30,235	101
30,236 30,537	107
30,538 30,840	113
30,841 31,142	119
31,143 31,444	126
31,445 31,746	132
31,747 32,049	139
32,050 32,351	146
32,352 32,653	152
32,654 32,956	159
32,957 33,258	166
33,259 33,560	175
33,561 33,863	183
33,864 34,165	192
34,166 34,467	201
34,468 34,769	210
34,770 35,072	219
35,073 35,374	228
35,375 35,676	238
35,677 35,979	247
35,980 36,281	257
36,282 36,583	267
36,584 36,885	277
36,886 37,188	287
37,189 37,490	297
37,491 37,792	307
37,793 38,095	317
38,096 38,397	330
38,398 38,699	342
38,700 39,002	354
39,003 39,304	367
39,305 39,606	380
39,607 39,908	392
39,909 40,211	405
40,212 40,513	419
40,514 40,815	432
40,816 41,118	445
41,119 41,420	459
41,421 41,722	473
41,723 42,025	487
42,026 42,327	501
42,328 42,629	515
42,630 42,931	529
42,932 43,234	544
43,235 43,536	559
43,537 43,838	573
43,839 44,141	588
44,142 44,443	604
44,444 44,745	619
44,746 45,048	634
45,049 \$45,350	\$650
\$45,351	INELIGIBLE

FAMILY OF EIGHT

STATE MEDIAN INCOME \$61,803

ANNUAL INCOME RANGE FOR MINIMUM FEE

	Income Range	Monthly copayment
1 Adult	\$20,335 \$25,963	\$20
2 Adults	\$20,491 \$25,963	\$20

ANNUAL INCOME RANGES FOR SLIDING FEE

Income Range	Monthly copayment
\$25,964 \$26,581	\$58
26,582 27,199	63
27,200 27,817	70
27,818 28,435	76
28,436 29,053	82
29,054 29,671	89
29,672 30,289	96
30,290 30,907	103
30,908 31,216	109
31,217 31,525	116
31,526 31,834	122
31,835 32,143	129
32,144 32,452	135
32,453 32,761	142
32,762 33,070	149
33,071 33,379	156
33,380 33,688	163
33,689 33,997	170
33,998 34,306	179
34,307 34,615	187
34,616 34,924	196
34,925 35,233	205
35,234 35,542	215
35,543 35,851	224
35,852 36,160	234
36,161 36,469	243
36,470 36,778	253
36,779 37,087	263
37,088 37,396	273
37,397 37,705	283
37,706 38,014	293
38,015 38,323	303
38,324 38,632	314
38,633 38,941	324
38,942 39,250	337
39,251 39,559	349
39,560 39,868	362
39,869 40,177	375
40,178 40,486	388
40,487 40,795	401
40,796 41,104	414
41,105 41,413	428
41,414 41,722	442
41,723 42,031	455
42,032 42,340	469
42,341 42,649	483
42,650 42,958	498
42,959 43,267	512
43,268 43,577	526
43,578 43,886	541
43,887 44,195	556
44,196 44,504	571
44,505 44,813	586
44,814 45,122	602
45,123 45,431	617
45,432 45,740	633
45,741 46,049	648
46,050 \$46,358	\$664
\$46,359	INELIGIBLE

# Official Notices

## FAMILY OF NINE

STATE MEDIAN INCOME \$63,147

ANNUAL INCOME RANGE FOR MINIMUM FEE

	Income Range	Monthly copayment
1 Adult	\$21,756 - \$26,527	\$20
2 Adults	\$21,956 - \$26,527	\$20

ANNUAL INCOME RANGES FOR SLIDING FEE

Income Range	Monthly copayment
\$26,528 - \$27,158	\$59
27,159 - 27,790	65
27,791 - 28,421	71
28,422 - 29,053	77
29,054 - 29,684	84
29,685 - 30,316	91
30,317 - 30,947	98
30,948 - 31,579	105
31,580 - 31,894	112
31,895 - 32,210	118
32,211 - 32,526	125
32,527 - 32,842	131
32,843 - 33,157	138
33,158 - 33,473	145
33,474 - 33,789	152
33,790 - 34,105	159
34,106 - 34,420	166
34,421 - 34,736	174
34,737 - 35,052	183
35,053 - 35,368	192
35,369 - 35,683	201
35,684 - 35,999	210
36,000 - 36,315	219
36,316 - 36,630	229
36,631 - 36,946	239
36,947 - 37,262	248
37,263 - 37,578	258
37,579 - 37,893	268
37,894 - 38,209	279
38,210 - 38,525	289
38,526 - 38,841	299
38,842 - 39,156	310
39,157 - 39,472	321
39,473 - 39,788	332
39,789 - 40,104	344
40,105 - 40,419	357
40,420 - 40,735	370
40,736 - 41,051	383
41,052 - 41,367	396
41,368 - 41,682	410
41,683 - 41,998	423
41,999 - 42,314	437
42,315 - 42,629	451
42,630 - 42,945	465
42,946 - 43,261	479
43,262 - 43,577	494
43,578 - 43,892	508
43,893 - 44,208	523
44,209 - 44,524	538
44,525 - 44,840	553
44,841 - 45,155	568
45,156 - 45,471	583
45,472 - 45,787	599
45,788 - 46,103	615
46,104 - 46,418	630
46,419 - 46,734	646
46,735 - 47,050	663
47,051 - \$47,366	\$679
\$47,366	INELIGIBLE

## FAMILY OF TEN

STATE MEDIAN INCOME \$64,490

ANNUAL INCOME RANGE FOR MINIMUM FEE

	Income Range	Monthly copayment
1 Adult	\$22,977 - \$27,091	\$20
2 Adults	\$23,377 - \$27,091	\$20

ANNUAL INCOME RANGES FOR SLIDING FEE

Income Range	Monthly copayment
\$27,092 - \$27,736	\$60
27,737 - 28,381	66
28,382 - 29,026	73
29,027 - 29,671	79
29,672 - 30,316	86
30,317 - 30,961	93
30,962 - 31,606	100
31,607 - 32,251	107
32,252 - 32,896	114
32,897 - 33,541	121
33,542 - 34,186	127
34,187 - 34,831	134
34,832 - 35,476	141
35,477 - 36,121	148
36,122 - 36,766	155
36,767 - 37,411	163
37,412 - 38,056	170
38,057 - 38,701	177
38,702 - 39,346	186
39,347 - 39,991	196
39,992 - 40,636	205
40,637 - 41,281	214
41,282 - 41,926	224
41,927 - 42,571	234
42,572 - 43,216	244
43,217 - 43,861	254
43,862 - 44,506	264
44,507 - 45,151	274
45,152 - 45,796	284
45,797 - 46,441	295
46,442 - 47,086	306
47,087 - 47,731	317
47,732 - 48,376	327
48,377 - 49,021	339
49,022 - 49,666	351
49,667 - 50,311	365
50,312 - 50,956	378
50,957 - 51,601	391
51,602 - 52,246	405
52,247 - 52,891	419
52,892 - 53,536	432
53,537 - 54,181	446
54,182 - 54,826	461
54,827 - 55,471	475
55,472 - 56,116	490
56,117 - 56,761	504
56,762 - 57,406	519
57,407 - 58,051	534
58,052 - 58,696	549
58,697 - 59,341	565
59,342 - 60,000	580
60,001 - 60,645	596
60,646 - 61,289	612
61,290 - 61,933	628
61,934 - 62,577	644
62,578 - 63,221	660
63,222 - 63,865	677
63,866 - 64,509	\$693
64,510 - \$48,374	INELIGIBLE

FAMILY OF ELEVEN

STATE MEDIAN INCOME \$65,834

ANNUAL INCOME RANGE FOR MINIMUM FEE

	Income Range	Monthly copayment
1 Adult	\$24,176 - \$27,656	\$20
2 Adults	\$24,598 - \$27,656	\$20

ANNUAL INCOME RANGES FOR SLIDING FEE

Income Range	Monthly copayment
\$27,657 - \$28,314	\$61
28,315 - 28,973	68
28,974 - 29,631	74
29,632 - 30,289	81
30,290 - 30,948	88
30,949 - 31,606	95
31,607 - 32,264	102
32,265 - 32,923	110
32,924 - 33,582	116
33,583 - 33,910	123
33,911 - 34,239	130
34,240 - 34,568	137
34,569 - 34,898	144
34,899 - 35,227	151
35,228 - 35,556	158
35,557 - 35,885	166
35,886 - 36,214	173
36,215 - 36,543	181
36,544 - 36,873	190
36,874 - 37,202	200
37,203 - 37,531	209
37,532 - 37,860	219
37,861 - 38,189	229
38,190 - 38,518	239
38,519 - 38,848	249
38,849 - 39,177	259
39,178 - 39,506	269
39,507 - 39,835	280
39,836 - 40,164	290
40,165 - 40,493	301
40,494 - 40,823	312
40,824 - 41,152	323
41,153 - 41,481	334
41,482 - 41,810	346
41,811 - 42,139	359
42,140 - 42,468	372
42,469 - 42,798	386
42,799 - 43,127	399
43,128 - 43,456	413
43,457 - 43,785	427
43,786 - 44,114	441
44,115 - 44,443	456
44,444 - 44,773	470
44,774 - 45,102	485
45,103 - 45,431	500
45,432 - 45,760	515
45,761 - 46,089	530
46,090 - 46,419	545
46,420 - 46,748	561
46,749 - 47,077	576
47,078 - 47,406	592
47,407 - 47,735	608
47,736 - 48,064	624
48,065 - 48,394	641
48,395 - 48,723	657
48,724 - 49,052	674
49,053 - \$49,381	691
\$49,382	\$708
	INELIGIBLE

FAMILY OF TWELVE

STATE MEDIAN INCOME \$67,178

ANNUAL INCOME RANGE FOR MINIMUM FEE

	Income Range	Monthly copayment
1 Adult	\$25,352 - \$28,220	\$20
2 Adults	\$25,796 - \$28,220	\$20

ANNUAL INCOME RANGES FOR SLIDING FEE

Income Range	Monthly copayment
\$28,221 - \$28,892	\$63
28,893 - 29,564	69
29,565 - 30,236	76
30,237 - 30,907	82
30,908 - 31,579	89
31,580 - 32,251	97
32,252 - 32,923	104
32,924 - 33,594	112
33,595 - 33,930	119
33,931 - 34,266	126
34,267 - 34,602	133
34,603 - 34,938	140
34,939 - 35,274	147
35,275 - 35,610	154
35,611 - 35,946	162
35,947 - 36,282	169
36,283 - 36,617	177
36,618 - 36,953	185
36,954 - 37,289	194
37,290 - 37,625	204
37,626 - 37,961	213
37,962 - 38,297	223
38,298 - 38,633	233
38,634 - 38,969	244
38,970 - 39,305	254
39,306 - 39,640	264
39,641 - 39,976	275
39,977 - 40,312	286
40,313 - 40,648	296
40,649 - 40,984	307
40,985 - 41,320	318
41,321 - 41,656	330
41,657 - 41,992	341
41,993 - 42,328	353
42,329 - 42,663	366
42,664 - 42,999	380
43,000 - 43,335	394
43,336 - 43,671	408
43,672 - 44,007	422
44,008 - 44,343	436
44,344 - 44,679	450
44,680 - 45,015	465
45,016 - 45,351	480
45,352 - 45,686	495
45,687 - 46,022	510
46,023 - 46,358	525
46,359 - 46,694	541
46,695 - 47,030	556
47,031 - 47,366	572
47,367 - 47,702	588
47,703 - 48,038	604
48,039 - 48,374	621
48,375 - 48,709	637
48,710 - 49,045	654
49,046 - 49,381	671
49,382 - 49,717	688
49,718 - 50,053	705
50,054 - \$50,389	\$722
\$50,390	INELIGIBLE

# Official Notices

## FAMILY OF THIRTEEN

STATE MEDIAN INCOME \$68,521

### ANNUAL INCOME RANGE FOR MINIMUM FEE

	Income Range	Monthly copayment
1 Adult	\$26,529 \$28,785	\$20
2 Adults	\$26,973 \$28,785	\$20

### ANNUAL INCOME RANGES FOR SLIDING FEE

Income Range	Monthly copayment
\$28,786 \$29,470	\$63
29,471 30,155	69
30,156 30,840	76
30,841 31,526	82
31,527 32,211	89
32,212 32,896	97
32,897 33,581	104
33,582 34,266	112
34,267 34,609	119
34,610 34,952	126
34,953 35,294	133
35,295 35,637	140
35,638 35,979	147
35,980 36,322	154
36,323 36,665	162
36,666 37,007	169
37,008 37,350	177
37,351 37,692	185
37,693 38,035	194
38,036 38,378	204
38,379 38,720	213
38,721 39,063	223
39,064 39,405	233
39,406 39,748	244
39,749 40,091	254
40,092 40,433	264
40,434 40,776	275
40,777 41,118	286
41,119 41,461	296
41,462 41,804	307
41,805 42,146	318
42,147 42,489	330
42,490 42,832	341
42,833 43,174	353
43,175 43,517	366
43,518 43,859	380
43,860 44,202	394
44,203 44,545	408
44,546 44,887	422
44,888 45,230	436
45,231 45,572	450
45,573 45,915	465
45,916 46,258	480
46,259 46,600	495
46,601 46,943	510
46,944 47,285	525
47,286 47,628	541
47,629 47,971	556
47,972 48,313	572
48,314 48,656	588
48,657 48,998	604
48,999 49,341	621
49,342 49,684	637
49,685 50,026	654
50,027 50,369	671
50,370 50,711	688
50,712 51,054	705
51,055 \$51,397	\$722
\$51,398	INELIGIBLE

## **Department of Labor and Industry**

### **Workers' Compensation Division**

#### **Notice of Solicitation of Outside Information or Opinions Regarding Proposed Permanent Rules Governing Workers' Compensation Medical Treatment Parameters**

**NOTICE IS HEREBY GIVEN** that the State Department of Labor and Industry is seeking information or opinions from sources outside the agency in preparing to propose the adoption of permanent rules governing workers' compensation medical treatment parameters. The adoption of the rules is authorized by *Minnesota Statutes*, section 176.83, subd. 5.

The State Department of Labor and Industry requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Sandra Keogh  
Department of Labor and Industry  
443 Lafayette Road  
St. Paul, Minnesota 55155-4316  
Telephone: (612) 297-7134

All statements of information and opinion shall be accepted until further notice is given in the *State Register*. Any written material received by State Department of Labor and Industry shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

Dated: 9 July 1993

John B. Lennes, Jr.  
Commissioner

## **Department of Labor and Industry**

### **Code Administration and Inspection Services**

#### **Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Boilers and Power Boats**

**NOTICE IS HEREBY GIVEN** that the State Department of Labor and Industry, Code Administration and Inspection Services is seeking information or opinions from sources outside the agency in preparing to propose the amendment of the rule governing boilers and boiler operating engineers including some boats. These amendments, which will modify Chapter 5225 of *Minnesota Rules*, are intended to update these rules including to create definitions for specialized terms used in Chapter 5225; expand upon the rules regarding an engineer's presence in an operating boiler plant, and clarify the boiler license examination process, the experience requirements for all classes of boiler licenses, items requiring inspection, and the reporting of repairs and alterations and fees/penalties for non-remittance and/or non-inspection.

The adoption of the rule is authorized specifically by *Minnesota Statutes*, section 183.42, 183.44, 183.54, 183.465 and 183.466 and generally by 175.171 and the rest of Chapter 183 which require the agency to make rules for the inspection and operation of boilers and the licensing of operating engineers, and authorize the agency to incorporate specific standards by reference.

The Department of Labor and Industry, Code Administration and Inspection Services requests information and opinions concerning the subject matter of the rule amendments. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Chuck Gehrke  
Code Administration and Inspection Service  
Minnesota Department of Labor and Industry  
443 Lafayette Road  
St. Paul, Minnesota 55155-4304  
(612) 296-1098

Oral statements will be received during regular business hours over the telephone at the number listed above and in person at the above address.

## Official Notices

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All statements of information and opinions shall be accepted until August 13, 1993. Any written material received by State Department of Labor and Industry Code Administration and Inspection Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 12 July 1993

John B. Lennes, Jr.  
Commissioner

## Labor & Industry Department

### Labor Standards Division

#### Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective July 19, 1993 prevailing wage rates are certified for commercial construction projects in: Clay county: MSU Murray Commons Handicap Ramp Replacement/Nemzek Hall Pool Painting-Moorhead, Envirosys-Moorhead. Hennepin county: U of M Basic Sciences & Biomedical Engineering Building Erection and Demolition-Minneapolis. Itasca county: Cut Foot Sioux Fish Hatchery-La Prairie, Big Fork School-Big Fork. Koochiching county: Northome & Indus Schools Joint Restoration-Northome & Indus, Roadway Parking Lot Sidewalk Tennis Court Project-International Falls. Lake county: John A. Johnson Elementary & Minnehaha Middle School-Two Harbors. Pennington county: Lincoln High School Site Demolition and Parking Lot-Thief River Falls. Ramsey county: Johnson High School Site Lighting Upgrade-St. Paul. Winona county: WSU Residence Hall Remodeling/Exterior Re-caulk-Winona.

Copies of the certified wage rates for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

John B. Lennes, Jr.  
Commissioner

## Minnesota Comprehensive Health Association

### Notice of Meeting of the Ad Hoc Work Group on MCHA Premiums

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association (MCHA), Ad Hoc Work Group on MCHA Premiums will be held at 9:00 a.m. on Tuesday, July 27, 1993 at Prudential Insurance Company of America, 3701 South Wayzata Boulevard, Minneapolis, Minnesota, in the 8th floor board room.

For additional information please call Lynn Gruber at (612) 593-9609.

## Minnesota Comprehensive Health Association

### Notice of Actuarial Committee Meeting

**NOTICE IS HEREBY GIVEN** that a meeting of the Actuarial Committee of the Minnesota Comprehensive Health Association (MCHA), will convene at 1:00 p.m. on Thursday, August 5, 1993 at Blue Cross Blue Shield of Minnesota, 3535 Blue Cross Road, Eagan, Minnesota, in the "Fish Bowl" meeting room, which is located in the downstairs cafeteria.

For additional information please call Lynn Gruber at (612) 593-9609.

## Natural Resources Department

### Notice of Intent to Solicit Outside Opinions Regarding Proposed Rules Concerning the Leasing of State-Owned Lands for the Mining of Selected Industrial Minerals

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Natural Resources is seeking information and opinions from sources outside the agency in preparing to propose the adoption of rules regarding the leasing of state-owned lands for selected industrial minerals within the state of Minnesota. The industrial minerals covered by these leasing rules would include: diamonds, dimension stone, gemstones, kaolin, silica sand, and other similar minerals of a non-metalliferous nature. Authority to adopt such rules is conferred upon the Commissioner of Natural Resources by *Minnesota Statutes*, Section 93.08–93.12 and 93.25, subject to the approval of the State Executive Council.

The Minnesota Department of Natural Resources requests information and comments concerning the subject matter of this area of rulemaking. A revised draft copy of the state leasing rules for selected industrial minerals is available from the Division of Minerals. The first draft was published September 14, 1992. Written statements and requests for a revised draft copy of the leasing rules should be addressed to:

Kathy A. Lewis  
Mineral Leasing Manager  
Division of Minerals  
500 Lafayette Road  
St. Paul, MN 55155-4045

Oral comments will be accepted between 8:00 and 4:30 p.m. by telephone at 612-296-4807 or in person at the above address.

Comments will be accepted until October 15, 1993. All written material submitted will become part of the written record.

Dated: 19 July 1993

Rodney W. Sando  
Commissioner of Natural Resources  
William C. Brice, Director  
Division of Minerals

## Natural Resources Department

### Notice of Intent to Solicit Outside Opinions Regarding Proposed Rules Concerning the Leasing of State-Owned Lands for Oil, Gas and Related Hydrocarbons

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Natural Resources is seeking information and opinions from sources outside the agency in preparing to propose the adoption of rules regarding the leasing of state-owned lands for oil, gas and related hydrocarbons within the State of Minnesota. Authority to adopt such rules is conferred upon the Commissioner of Natural Resources by *Minnesota Statutes*, Sections 93.08–93.12 and 93.25, subject to the approval of the State Executive Council.

The Minnesota Department of Natural Resources requests information and comments concerning the subject matter of this area of rulemaking. A revised draft copy of rules for the leasing of state-owned lands for oil, gas and related hydrocarbons is available for review. The first draft was published March, 1991. Interested or affected persons or groups may submit statements orally or in writing. Written statements and requests for a revised draft copy of the leasing rules should be addressed to:

Kathy A. Lewis, Attorney  
Mineral Leasing Manager  
Division of Minerals

## Official Notices

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500 Lafayette Road  
St. Paul, MN 55155-4045

Oral comments will be accepted between 8:00 and 4:30 p.m. by telephone at 612-296-4807 or in person at the above address.

Comments will be accepted through October 15, 1993. All written material submitted will become part of the written record.

Dated: 19 July 1993

Rodney W. Sando, Commissioner  
Department of Natural Resources  
William C. Brice, Director  
Division of Minerals

## State Grants

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In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

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## Department of Corrections

### Sex Offender Services Unit

#### Notice of Request for Proposals for Providing Sex Offender Specific Programs for Juveniles

The Minnesota Department of Corrections, Sex Offender Services Unit, announces the availability of grant funds for provision of sex offender specific programming to juvenile sex offenders with the state of Minnesota, with priority given to outlying communities. The grant period will run from July 1, 1993 through June 30, 1995.

Private, nonprofit organizations and governmental agencies are eligible to apply.

The deadline for submission of proposals is August 13, 1993.

The Request for Proposals contains detailed requirements and instructions. To receive a copy of the Request for Proposals contact: Joan Sutherland, Minnesota Department of Corrections, Sex Offender Services Unit, 300 Bigelow Building, 450 North Syndicate Street, Saint Paul, Minnesota 55104. (612) 642-0264.

## Department of Labor and Industry

#### Notice of Availability of Labor Education Advancement Program Grants: Request for Proposals

The Commissioner of the Department of Labor and Industry announces the availability of state grant funds for the operation of Labor Education Advancement Programs in the State of Minnesota.

Funds will be available during each year of the state's fiscal years beginning September 1, 1993 and July 1, 1994.

##### I. PURPOSE

The purpose of the grant will be to provide for the operation of Labor Education Advancement Programs (LEAP).

##### II. OBJECTIVE

The objective of the LEAP is to increase equal opportunity in apprenticeable occupations.

##### III. PROCESS

The Commissioner will accept proposals for the operation of (LEAP) for the fiscal years beginning September 1, 1993 and July 1, 1994.

##### IV. ELIGIBLE GRANT APPLICANTS

Proposals will be accepted from not-for-profit community-based organizations.

**V. PROPOSAL CONTENTS**

At a minimum, the proposals will be expected to contain the following information:

**A. Program Administration/Management**

1. Administrative Structure (including personnel)
2. Program narrative outlining the organization's goals, objectives, and performance indicators
3. List of Advisory Council or Advisory Committee members

**B. Budget**

1. Amount requested
2. Line item breakdown of operating costs
3. List sources of nonstate matching funds
4. Narrative

**C. Demographic Data**

1. Identification of geographic area served
2. Rate of unemployment in service area
3. Comparative data on the ratio of unemployment between minorities and nonminorities in the service area
4. Percent of racial minorities in area served
5. Source of demographic data

**D. Evidence of ability to deliver services, which may be demonstrated by one of the following:**

1. Previous experience operating LEAP and results (please provide details of LEAP operation)
2. Previous experience providing job training and job placement services to economically disadvantaged individuals, diverse ethnic and racial minority groups, and females
3. Provide documentation of existing working relationships with employers and labor organizations
4. Means of measuring outcomes (effectiveness of program)

**E. Statement of assurance including:**

1. The department or state may conduct post-grant audits
2. Periodic performance and financial reports will be submitted promptly
3. The applying organization has an effective equal employment policy
4. Evidence of workers' compensation coverage as required by Minnesota law

**VI. PROPOSAL DEADLINE**

Interested parties must submit proposals for funds no later than 4:00 p.m., August 2, 1993. Proposals must be submitted to:

John B. Lennes, Jr., Commissioner  
Minnesota Department of Labor and Industry  
443 Lafayette Road  
St. Paul, MN 55155

# Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

## Department of Health

### Proposals Sought from Public and Private Agencies Interested in Research About Alcohol and Women of Childbearing Age

#### PURPOSE

The Minnesota Department of Health Fetal Alcohol Syndrome/Fetal Alcohol Effects Prevention Program is seeking applications from agencies and organizations interested in competing for funds to conduct a statewide telephone survey of women of childbearing age. The purpose of this survey is to gain up-to-date information concerning alcohol use, knowledge and behaviors of women of childbearing age in Minnesota.

This project is part of a statewide effort to prevent fetal alcohol syndrome (FAS), fetal alcohol effects (FAE) and drug-exposed infants in Minnesota through conducting research, professional education and public awareness.

#### BUDGET AND TIME FRAME

The total budget for this contract is not more than \$70,000 for a five-month period of time. Sixty-four thousand dollars is available for survey design and implementation. Pending availability of funds, an additional \$6,000 will be available for data analysis and the production of a written report. The survey design and implementation must be completed on or before November 30, 1993; the data analysis must be completed by December 31, 1993; and a written report must be completed and delivered to the Minnesota Department of Health on or before January 31, 1993.

#### ELIGIBILITY CRITERIA

Applicants may be public, private, for profit or non-profit. Applicants must demonstrate appropriate research ability, facilities and experience. All applicants must demonstrate the administrative, organizational and fiscal capability to complete the project. Other desirable qualifications include experience with public health or public service projects and experience working with women of childbearing age.

#### PROCEDURE FOR SUBMITTING APPLICATIONS

To obtain a copy of the application materials, call:

Justine Schindeldecker  
Minnesota Department of Health  
612-623-5479

Applications must be received by 4:00 p.m., Monday, August 16, 1993. They may be sent to:

Justine Schindeldecker  
Health Promotion and Education  
Minnesota Department of Health  
717 S.E. Delaware St.  
Minneapolis, MN 55440-9441

Submit 6 copies of your completed application. Late applications will be returned to the applicant without being considered. Applications are to be sealed in mailing envelopes or packets with the applicant's name and address clearly written on the outside. The original copy of the application must be designated as such on the cover page, and each copy of the application must be signed in ink by an authorized member of the agency. Prices and terms of the application as stated must be valid for the length of the project. If you have questions about the content of the application call:

Laura Collins  
FAS Prevention Coordinator  
612-623-5334

Ms. Collins is the only employee authorized to answer questions regarding this Request for Application.

## **Department of Health**

### **Division of Health Promotion and Education**

#### **Request for Proposals for Market Research**

The Division of Health Promotion and Education of the Minnesota Department of Health (MDH) is requesting proposals from agencies interested in competing for one or two contracts to conduct market research related to the prevention of Fetal Alcohol Syndrome and Fetal Alcohol Effects. This research may include, but need not be limited to focus groups. The MDH will accept proposals that address one or both of the following target groups: 1) 18- to 24-year-old men and women attending and/or working at post secondary institutions throughout Minnesota and 2) a variety of health care professionals throughout Minnesota. Information obtained from the market research will be used to 1) develop statewide media campaign targeting 18- to 24-year olds and 2) develop effective and appropriate educational activities for health care professionals. Responders may submit a proposal for either or both of these research activities by completing the information sheet and providing responses to the minimal proposal requirements.

This research is in response to the 1992 State legislative charges to conduct a statewide media campaign and professional education focused on decreasing the numbers of FAS/FAE and drug-exposed infants.

The budget for the 18- to 24-year old research contract should not exceed \$40,000. The budget for the health care professional research should not exceed \$28,500. Final date for submitting proposals is August 27, 1993. Work must be invoiced and completed by December 24, 1993 and January 14, 1994, if the researcher is contracted to research one, or both target groups respectively.

Details are contained in a request for proposals which may be obtained by calling or writing:

Justine Schindeldecker  
Minnesota Department of Health  
717 Delaware Street SE  
Minneapolis, MN 55440-9441  
(612) 623-5479

## **Minnesota Department of Health**

### **AIDS/STD Prevention Services Section**

#### **Request for Proposals for HIV Centralized Assistance Program**

##### **Purpose:**

The Minnesota Department of Health (MDH) has funds available for the development, implementation, and evaluation of a system of centralized, comprehensive, short term assessment, assistance and referral services for individuals infected with the human immunodeficiency virus (HIV).

The purpose of HIV Centralized Assistance Program (CAP) is to provide a statewide comprehensive, short term source of support to persons at all stages of HIV disease. CAP will assist persons with HIV disease by providing:

1. an initial assessment of health care, social service, and behavioral support needs of the individual;
2. referral to the appropriate community resources so that the needs of the individual are met when possible;
3. technical assistance to access appropriate community resources;
4. the necessary short term support to enable the individual to follow through on information and referrals; and by
5. providing education when needed to assist the individual in making the behavior changes necessary to minimize HIV transmission and maximize health.

##### **Amount:**

Funding of up to \$95,000 is available for a twelve month period (January 1, 1994–December 31, 1994) to provide centralized, short term assistance services to targeted persons with HIV disease statewide. A single provider of this service will be selected on a competitive basis.

##### **Duration:**

The grant period is established for twelve months, January 1, 1994–December 31, 1994. Continuation funding will be dependent upon the availability of state and federal HIV services funds to the MDH.

## Professional, Technical & Consulting Contracts

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### Eligibility:

1. Community health boards, non-profit organizations, and health care providers that can demonstrate administrative, organizational, programmatic, and fiscal capacity to develop, implement, and evaluate the proposed program are eligible to apply for these funds.
2. In addition, all applicants must demonstrate expertise in the area of HIV assessment, a knowledge of existing HIV specific resources statewide, and the ability to provide this service to multiple communities.

### Procedure for Grant Application:

The request for proposals packet is available upon request, including instructions, format, necessary forms, and selected readings. A technical assistance meeting will be held on Thursday, July 22, from 11:00 a.m. -noon. Call for information. For further information about this Request for Proposals, you may contact Fraser Nelson at the above address or at 612/623-5721. No other MDH personnel may be contacted concerning this Request for Proposals.

Agencies seeking MDH funding for HIV services programming are required to submit ten (10) copies of the completed proposal by 4:30 p.m., Wednesday, September 8, 1993.

Proposals are to be submitted by the specified date and time to:

Fraser Nelson, HIV Services Coordinator  
AIDS/STD Prevention Services Section  
Minnesota Department of Health  
717 Delaware Street S.E., P.O. Box 9441  
Minneapolis, Minnesota 55440-9441  
(612) 623-5721

## Department of Human Services

### Health Care Operations

### Notice of Availability of Organizational Continuous Quality Improvement Implementation Consultation Contract

The Department of Human Services (DHS) intends to issue a consultant contract for the purpose of providing professional advice and recommendation in the administration of a Continuous Quality Improvement (CQI) process to enhance the operating capacity of the Health Care Operations and Health Care Compliance Activities

The contract will be awarded based on experience, familiarity with the health care operations and program integrity activities at DHS.

Interested parties should submit résumés, signed in ink by August 10, 1993, no later than 3:00 p.m. to:

Larry Woods, Director  
Health Care Operations Division  
Department of Human Services  
444 Lafayette Road  
Saint Paul, MN 55155-3849

Fax copies of résumés will not be accepted.

## Department of Human Services

### Health Care Policy Division

### Request for Proposals to Study Alternative Inpatient Hospital Payment Systems

The Minnesota Department of Human Services is requesting proposals related to a study of the feasibility of developing alternative payment systems for inpatient hospital services provided under the Medical Assistance (MA) and General Assistance Medical Care (GAMC) Programs. The results of the study must be reported to the legislature and may be used as a method of adjusting the payment rates of hospitals as required by *Minnesota Laws 1993*, First Special Session, chapter 1, article 1, section 2.

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## Professional, Technical & Consulting Contracts

The purpose of the research is to study the effects of establishing:

1. a payment system similar to the Medicare methodology.
2. a payment system for small volume hospitals that is based on a percentage of charges.
3. methods for paying the additional costs of teaching, children's and high-volume hospitals.
4. methods to combine the payment system with the system to be developed by the health care commission.

Approximately 198 Minnesota and local trade area hospitals with an annual budget of \$345 million are to be included in the analysis.

The cost of the entire project may not exceed \$150,000. This request, however, does not oblige the state to accept a proposal or to complete the study.

The deadline for receipt of proposals is August 20, 1993 at 4:00 p.m. Selection and notification of any contract award will occur by September 10, 1993. A detailed description of the contract requirements and specifications for submission of the proposal may be obtained from:

Paul Olson  
Hospital Section  
Health Care Policy Division  
Department of Human Services  
444 Lafayette Road  
St. Paul, Minnesota 55155-3848  
(612) 296-5620

## Department of Human Services

### Health Care Policy Division

#### Request for Proposals to Develop Hospital Peer Groups

The Minnesota Department of Human Services is requesting proposals related to the development of peer group criteria for inpatient hospital services provided under the Medical Assistance (MA) and General Assistance Medical Care (GAMC) Programs. The results of the study must be reported to the legislature and will be used as a method of adjusting the payment rates of hospitals as required by *Minnesota Laws 1993, First Special Session, chapter 1, article 5, sections 25 and 126.*

The purpose of the research is to standardize payment rates for cost variations so that similar services may be comparable between hospitals. The primary responsibility of the contractor will be to establish peer groups based on variables that affect MA/GAMC cost such as the scope and intensity of services, location and acuity of patients. Approximately 198 Minnesota and local trade area hospitals with an annual budget of \$345 million are to be included in the analysis.

The cost of the entire project may not exceed \$75,000. This request, however, does not oblige the state to accept a proposal or to complete the study.

The deadline for receipt of proposals is August 13, 1993 at 4:00 p.m. Selection and notification of any contract award will occur by August 30, 1993. A detailed description of the contract requirements and specifications for submission of the proposal may be obtained from:

Paul Olson  
Hospital Section  
Health Care Policy Division  
Department of Human Services  
444 Lafayette Road  
St. Paul, Minnesota 55155-3848  
(612) 296-5620

## Iron Range Resources and Rehabilitation Board

#### Request for Proposals for Tourism Advertising Contract

The Iron Range Resources and Rehabilitation Board (IRRRB) is requesting proposals from full service advertising agencies interested in competing for the agency's tourism marketing and advertising contract.

## Professional, Technical & Consulting Contracts

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The estimated contract amount is \$350,000 annually. The contract will be divided into four major budget activities and invoices for time and expenses must be categorized on billing statements so proper accounting records can be maintained for each activity. The contract will begin August 20, 1993 and end June 30, 1994. The contract may include renewal options for second and third years subject to contractor performance, client satisfaction and available funding.

The marketing and advertising contract covers all of the agency's tourism activities including Giants Ridge, IRONWORLD USA and the Northern Lights Tourism Alliance. It will include print and broadcast media as well as direct mail, public relations and research assistance, as necessary. Finalists will be selected by a review committee. Three or more agencies may be invited to make oral presentations during the week of August 9, 1993. To receive a request for proposal packet, please call or write:

Jodi Phelps, Special Projects Coordinator  
Public Information and Tourism  
Iron Range Resources and Rehabilitation Board  
Hwy 53 South  
P.O. Box 441  
Eveleth, MN 55734  
Phone: (218) 749-7721  
Fax: (218) 749-9665

The proposal deadline is 4:30 p.m., Wednesday, August 4th, 1993. Proposals received after the deadline will not be considered.

## Non-State Public Bids and Contracts

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The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

## Dakota County

### Division of Physical Development

### Request for Proposal for Consulting Services to Achieve Transportation Policy Objectives

The Physical Development Division, Dakota County, Minnesota is releasing a Request for Proposals for consulting services to assist the County to achieve transportation policy objectives. Dakota County is in the process of revising its Transportation Plan. The services sought include development of strategies to achieve County objectives where approval is required by entities such as the Metropolitan Council and direct interaction with the Metropolitan Council and other entities in support of the County's objectives.

The contract with Dakota County, through its Physical Development Division, will be from August 1993, through June 1994. Contract costs shall be based on an hourly rate with the total amount of services not to exceed \$20,000. Applicants will be rated on experience and success in working with the Metropolitan Council and similar entities to achieve stated objectives, ability to present complex issues to decision-making bodies, and familiarity with transportation issues.

The application deadline for responding to the Request for Proposals is August 2, 1993. Interested bidders may obtain a complete copy of the Request for Proposals by writing or calling:

John Tocho, Senior Planner  
Office of Planning/Physical Development  
Western Services Center  
14955 Galaxie Avenue  
Apple Valley, Minnesota 55124  
(612) 891-7019

## Minnesota Historical Society

### Notice of Request for Proposals for Development and Implementation of an Institutional Diversity Program

The Minnesota Historical Society is seeking proposals from qualified firms or individuals to provide consulting and related services for the development and implementation of an institutional diversity program.

The Request for Proposals is available by calling or writing Gary W. Goldsmith, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone (612) 297-5863.

An informational meeting will be held at the Minnesota History Center on July 27, 1993 beginning at 10:00 a.m.

Proposals must be received not later than 2:00, August 5, 1993.

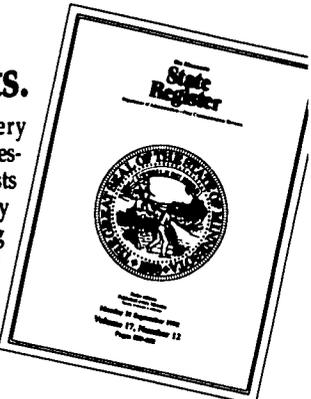
Details concerning submission requirements are included in the Request for Proposals.



## The "Inside Scoop" on OVER \$1 BILLION in Annual Business Contracts.

The *State Register Contracts Supplement* is published every Tuesday, Wednesday and Friday by the State of Minnesota Department of Administration. The *State Register Contracts Supplement* contains a comprehensive listing of state bids and proposals including printing bids from Printing Services.

The *State Register* is published every Monday and contains bid awards, professional and technical consulting requests for proposal and awards. The Monday edition also includes rulemaking activity, official notices, executive orders of the governor, commissioner orders, requests for opinions and non-state public contract requests.



**Annual Subscriptions Rates**

\$150.<sup>00</sup> for the *State Register* (Monday)

\$195.<sup>00</sup> for the *State Register* (Monday) and the  
Contracts Supplement (Tuesday, Wednesday, Friday, except holidays)

\$60.<sup>00</sup> 13-week trial subscription of all four editions

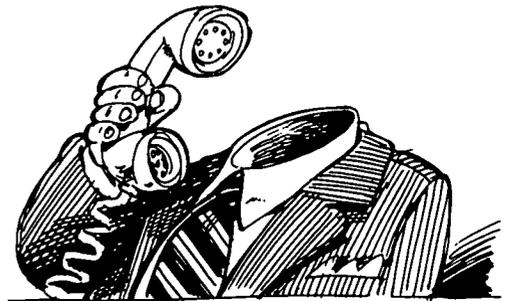
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Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

## Ever called this guy?

**1992 State of Minnesota Telephone Directory.** Get a direct line to the persons you want to speak to. Contains names, numbers, and agencies in the executive, legislative and judicial branches of state government. Four sections give listings alphabetically by name, agency, Minnesota region, plus an index for cross referencing. Over 288 pages, paperback, 8½"x11". Code #1-87-SR, \$12.95.

**Minnesota Guidebook to State Agency Services.** A treasure of information that cuts red tape and gets you **RESULTS** from Minnesota state government. This important resource helps you through applications, fees, licenses, reports, history, recreation and travel. It describes agencies in detail and how they can assist you, giving addresses, phones and contact people. Stock #1-11-SR, \$16.90.



**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-657-3757. Minnesota residents please include 6½% sales tax. On all orders, add \$2.00 per order for handling. Prepayment is required. Please include daytime phone. VISA/MasterCard, American Express and Discover orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.

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## Subscription Services

Minnesota's Bookstore offers several subscription services of activities, awards, decisions and special bulletins of various Minnesota state agencies.

Use the handy order form on the back of the *State Register* to order. Simply fill in the subscription code number, include your name, address and zip and your check made out to the State of Minnesota (PREPAYMENT IS REQUIRED) and send it in. We'll start your subscription as soon as we receive your order, or whenever you like.

SUBSCRIPTION	COST	CODE NO.	SUBSCRIPTION	COST	CODE NO.
Career Opportunity Bulletin, 1 year	\$ 30.00	90-3	Thirteen-week trial includes <i>State Register</i> and		
Career Opportunity Bulletin, 6 mos.	\$ 24.00	90-4	<i>Contracts Supplement</i>	\$ 60.00	90-2
Gaming News, 1 year	\$ 40.00	90-8	Tax Court/Property Decisions	\$350.00	90-11
Human Services Informational and			Workers Compensation Decisions,		
Instructional Bulletin	\$115.00	90-6	unpublished subs run Jan-Dec 1993;		
Human Services Bulletin List	\$100.00	90-7	can be prorated	\$400.00	90-12
<i>Minnesota Statutes 1990 Set + Supplement</i>	\$165.00	18-2	Workers Compensation Decisions Vol. 48	\$195.00	90-13
<i>Minnesota Rules 1991 Set + Supplement</i>	\$200.00	18-100			
<i>State Register</i> , Monday edition only, 1 year	\$150.00	90-1			
<i>State Register</i> (Monday) and <i>Contracts Supplement</i>					
(Tues, Wed, Fri)	\$195.00	90-1			

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 296-0931, or toll-free in Minnesota: 1-800-657-3757. Prepayment is required. Please include daytime phone. *Prices are subject to change.* FAX: (612) 296-2265.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

## Catching criminals is only one part of law enforcement.

**Police Report Writing Style Manual 1989**—A common framework for report writing throughout the state. Discusses the general purpose of police reports, reviews field notetaking, offers instructions on completing common report forms, and introduces the Data Practices Law. Code No. 14-13. \$15.00. 14-13-SR

**Motor Vehicle Traffic Laws 1992**—Includes laws governing motor carriers, motor vehicle registration and no-fault auto insurance. Code No. 2-85. \$18.95. 2-85-SR

**Criminal Code & Selected Statutes 1992**—Governs the conduct of peace officers. Includes continuing education requirements, sentencing standards, and more. Code No. 2-68. \$18.95. 2-68-SR

**Blue Binder**—3 ring. 2" capacity. Criminal Code and Motor Vehicle Traffic Laws require 1 binder each. Code No. 10-21. \$4.95. 10-21-SR



**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-657-3757. Minnesota residents please include 6½% sales tax. On all orders, add \$2.00 per order for handling. Prepayment is required. Please include daytime phone. VISA/MasterCard, American Express and Discover orders accepted over phone and through mail. *Prices are subject to change.* FAX: (612) 296-2265.

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## Human Services Laws and Rules

### Human Services Laws 1992

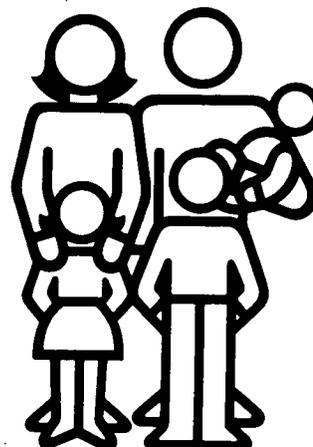
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